

Ontario's Environment and the "Common Sense Revolution"

A First Year Report

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INTRODUCTION

1

*Ontario's Environment and the "CSR"
A CIELAP Report*

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Introduction

The election of the Progressive Conservative Government of Premier Mike Harris on June 8, 1995 is emerging as a critical watershed in environmental protection and natural resources management in the province of Ontario. Over the past year, the new government has undertaken a dismantling of environmental laws, regulations, policies and institutions which is without precedent in the history of the province.

The Progressive Conservative Party of Ontario's June 1995 campaign platform, entitled The Common Sense Revolution, made no mention of the environment or natural resources. There was only an indirect reference to the "appointment of an arms-length commission on red tape to review all current regulations affecting business. Any regulation which can't be justified will be eliminated within 12 months of a Harris government taking office."ⁱ During the campaign the Progressive Conservative Party indicated its intention to repeal a number of the previous government's environmental initiatives, including the ban on new municipal solid waste incineration facilities, and the reforms to land-use planning which resulted from the work of the Commission on Planning and Development Reform in Ontario.ⁱⁱ At the same time, the Party committed itself to "work with organizations and communities to improve our provincial parks system and work toward the World Wildlife Fund's Endangered Spaces Campaign goal established for 2000."ⁱⁱⁱ

Since its election, the Progressive Conservative government's efforts to amend or repeal environmental laws, regulations and policies have affected virtually every aspect of environmental protection and natural resources management in the province. So too have the accompanying budget cuts to the Ministry of Environment and Energy, Ministry of Natural Resources and other provincial agencies. Previous Ontario governments have made reductions to the budgets of the environment and natural resources ministries, most notably during the last government of Premier Davis following the 1981 election, and in the April 1993 budget of the NDP government, but none have done so on a scale approaching that of the present government.

Similarly, in the past there have been extensions of deadlines for action on provincial environmental requirements by industry and municipal governments. In fact, such extensions were a regular feature of environmental policy during the Davis era.^{iv} However, the actual weakening of environmental protection requirements has been extremely rare. The most notable case involved the sulphur dioxide emission control requirements on INCO's main smelter in Sudbury in the early 1980s.^v By contrast, the new government has weakened existing standards in a number of areas, particularly with respect to land-use planning, and mine closure and remediation.

Strategic Directions

The Government's Throne Speech of September 27, 1995, indicated the government's overall direction. It included: dramatic reductions in government spending; the restructuring of government agencies; the repeal of the previous government's legislative and policy reforms with respect to land use planning; and the initiation of two major reviews - one of all of the regulations made by the province and its agencies boards and commissions, and the other of the province's agencies, boards and commissions themselves.

Budgetary Reductions

The most dramatic dimension of the new government's measures have been the reductions in the budgets of the Ministries of Environment and Energy (MoEE) and of Natural Resources (MNR). These are the principal provincial agencies charged with the protection of the province's environment and the management of its natural resources and have been among the most heavily affected by the government's spending reductions. Tables 1 and 2 detail the spending reductions of various ministries over the period 1992/93 to 1996/97 with percentage changes from 1994/95 to 1996/97, the period which best captures the effect of spending reductions by the current government.

The total projected reductions to the operating and capital budgets of the Ministry of Environment and Energy will amount to, by the 1997-98 fiscal year, more than \$200 million, a 37% reduction against the Ministry's actual expenditures for 1994/95. The largest portion of these cuts are focused on the provision of support to municipal sewer and water services through the Ontario Clean Water Agency. Seven hundred and fifty-two staff are to be eliminated from the Ministry's total complement of 2,430 (31%).

The Ministry of Natural Resources is to see a reduction of \$136 million in the same period, a 26% cut from 1994/95 actual expenditures, with a loss of 2,170 staff out of a total of approximately 5,000 (43%). In addition to the cuts to the operations of the MoEE and MNR, there have been major cuts to important agencies funded through their budgets. Conservation Authorities and the Niagara Escarpment Commission have been

particularly heavily affected in this way.

Table 1 : Operating Expenditures - Select Ministries 1992/93 to 1996/97 (in millions \$)

Ministry	Unadj. 1992/93	1993/94	1994/95	Interim 1995/96	Plan 1996/97	Change 1994/95- 1996/97
Agriculture, Food & Rural Affairs	\$552	\$533	\$409	\$422	\$425	3.91
Citizenship, Culture & Recreation	\$409	\$370	\$408	\$376	\$322	(21.08)
Community & Social Services	\$8,544	\$9,165	\$9,364	\$8,770	\$8,200	(12.43)
Consumer & Commercial Relations	\$173	\$175	\$150	\$141	\$110	(26.67)
Economic Dev't, Trade & Tourism	\$427	\$416	\$463	\$438	\$245	(47.08)
Environment & Energy	\$434	\$390	\$272	\$243	\$172	(36.76)
Health	\$17,525	\$17,375	\$17,599	\$17,679	\$17,718	0.68
Native Affairs Secretariat	\$17	\$14	\$16	\$16	\$13	(18.75)
Natural Resources	\$584	\$502	\$478	\$523	\$373	(21.97)
Northern Development & Mines	\$105	\$83	\$54	\$49	\$42	(22.22)
Transportation	\$838	\$608	\$598	\$842	\$684	14.38

Source: Ontario Budget, Ontario Financing Report, May 1996

Table 2: Capital Expenditures - Select Ministries 1992/93 to 1996/97 (in million \$)

Ministry	Unadj. 1992/93	1993/94	1994/95	Interim 1995/96	Plan 1996/97	Change 1994/95- 1996/97
Agriculture, Food & Rural Affairs	\$21	\$13	\$12	\$5	\$0	(100)
Citizenship, Culture & Recreation	\$94	\$28	\$42	\$24	\$6	(85.71)
Community & Social Services	\$57	\$77	\$72	\$25	\$38	(47.22)
Economic Dev't, Trade & Tourism	\$39	\$113	\$117	\$112	\$41	(64.96)
Environment & Energy	\$230	\$162	\$271	\$232	\$196	(27.68)
Health	\$230	\$309	\$249	\$135	\$167	(32.93)
Native Affairs Secretariat	\$17	\$15	\$17	\$10	\$15	(11.76)
Natural Resources	\$75	\$95	\$54	\$47	\$32	(40.74)
Northern Development & Mines	\$239	\$208	\$240	\$173	\$228	(5.00)
Transportation	\$1,738	\$1,824	\$1,757	\$1,420	\$1,215	(30.85)

Source: Ontario Budget, Ontario Financing Report, May 1996

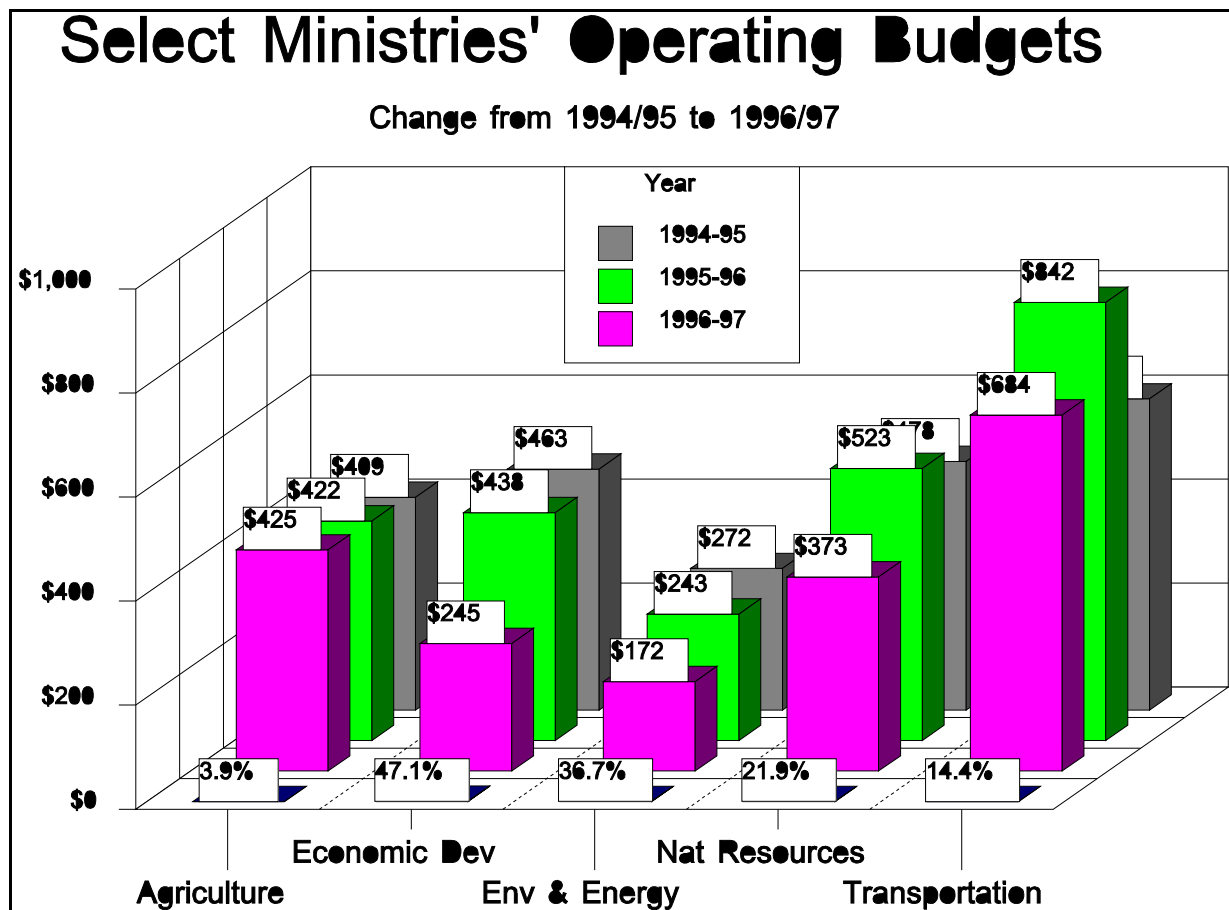


Figure 1: Change in operating expenditures of various ministries from 1994/95 to 1996/97. Source: Ontario Budget, Ontario Financing Report, May 1996

Regulatory Review/Red Tape Review Commission

In November 1995, the government established a "Red Tape Review Commission," to review all of the regulations made and administered by the province. The Commission is chaired by MPP Frank Sheehan, and will review the appropriateness of existing regulatory measures, especially as they affect businesses and institutions, and make recommendations to Cabinet on:

- the elimination or amendment of any inappropriate regulatory measures; and
- the design of an ongoing evaluation/impact test and review process for the approval of any new regulatory measures.^{vi}

The stated objectives of the Commission include:

- ensuring that all regulatory measures reflect current government goals and needs;
- reducing government costs in administering regulatory measures;

- reducing compliance costs and administrative burden to businesses and institutions, thereby improving the competitiveness and business climate for existing and new businesses;
- improving customer services in such areas as response times and user friendly language;
- moving towards alternative methods of regulation, such as the establishment of performance standards and allowing business self-regulation, and move away from micro-managing the compliance process;
- reducing the duplication of creating and administering regulatory measures within government and between governments;
- establishing an ongoing regulatory review process which would critically evaluate all aspects of new regulations, including the cost to government, the cost to the private sector, and the overall benefit;
- changing the regulatory culture of government and the public;
- ensuring the health and safety of Ontarians is not adversely affect by the regulatory reform process.

Notably, ensuring the protection of the environment and the environmentally sustainable management of the province's natural resources have not been included in the Commission's terms of reference. Such criteria have been included in the terms of reference for recent regulatory reviews in Alberta^{vii} and Newfoundland.^{viii}

The Commission is not expected to hold formal public hearings, however, an external advisory committee is to be formed. No information has been provided regarding the membership of this committee. Individual ministries with regulatory mandates are to provide recommendations to the Commission for the elimination or amendment of regulatory measures. Regulatory changes proposed through the Red Tape Review Commission process are scheduled to be implemented by December 1996.^{ix}

For its part, the Ministry of Environment and Energy initiated a review of all of its 78 regulations in November 1995. The MoEE states that the review will focus on streamlining, the removal of duplicative processes, and the easing of administrative burdens. The primary focus of the Ministry's review is its regulations related to air and water pollution control and waste management. It is expected that the Ministry will produce a position paper on proposed changes to regulations in July, followed by a public consultation period between August and September. Actual amendments to regulations are intended to be implemented by the end of the year.

The Ministry of Environment and Energy has received submissions from a number of major industrial sectors regarding the regulatory review. The outcomes sought by these submissions include the weakening of regulations enacted under the province's Municipal Industrial Strategy for Abatement (MISA) water pollution control program. Regulations related to solid waste diversion, hazardous waste management and spills reporting and the application of the *Environmental Bill of Rights* have also be major targets of industry briefs.^x

In addition to the formal regulatory review being conducted for the Red Tape Review Commission process, the Ministry of Environment and Energy is apparently conducting major reviews of its waste management approvals process, the environmental assessment process under the *Environmental Assessment Act*, and the role and functions of the Niagara Escarpment Commission. However, no information has been made available to the public regarding the contents and direction of these reviews.

On June 3, 1996 the Minister of Environment and Energy introduced Bill 57, the *Environmental Approvals Improvement Act*. Among other things, the Bill would allow the exemption of specified types of approvals under the *Environmental Protection Act* and the *Ontario Water Resources Act*. In her remarks on the introduction of the Bill the Minister indicated the MoEE's intention to eliminate approximately 30% of the environmental approvals currently required under the *Environmental Protection Act*.^{xi}

The Ministry of Natural Resources is also moving to implement major changes in its regulatory role. Most requirements for approvals for activities on public lands are to be eliminated. In addition, there will also be a dramatic reduction in the Ministry's role in regulation of the forestry, aggregates and petroleum industries. In addition, the role of the Ministry of Northern Development and Mines in the approval and monitoring of the closure of mines has been seriously weakened.

There is also evidence of a significant reduction in environmental law enforcement efforts (See Figure 2). If current trends continue,^{xii} there will be a drop of approximately 50% in the enforcement actions in 1996, as compared with 1995, by the Ministry of Environment and Energy. In addition, in December 1995, the Ministry of Environment and Energy released a new guideline reinforcing the confidentiality of environmental audits and placed limits on government access to information contained in self-initiated environmental evaluations. The Ministry will now only seek access to such information under certain conditions such as emergencies involving serious risk and after seeking counsel.

Ministry of Environment and Energy Enforcement Actions	
1995	
Companies and Persons Charged	281
Charges Laid	1037
Convictions on Charges	201
Total Fines	\$3,046,234
1996 (As of April 30, 1996)	
Companies or Persons Charged	51
Charges Laid	143
Convictions on charges	29
Fines to date	
\$5,530	
Extrapolations from figures for the first third of 1996 to end of year :	
Companies or persons charged	153 down
46% from 1995	
Charges Laid	429 down 53% from
1995	

Figure 2: Changes in enforcement activity from 1995 to 1996.

more volunteers serve on provincial agencies, boards and commissions.^{xiii}

Agency Boards and Commissions Review Task Force

A Task Force of government members of the Legislature was established to review the province's agencies, boards and commissions was established at the same time as the Red Tape Review Commission. The bodies targeted for review by the Task Force include the Ontario Clean Water Agency, Environmental Appeal Board, Environmental Assessment Board, Pesticides Advisory Committee, Environmental Compensation Corporation, Niagara Escarpment Commission, and the Ontario Energy Board. The mandate of the Task Force is to make recommendations on:

- elimination of agencies, boards and commissions whose work is completed or whose mandate is obsolete or that no longer provides value to the taxpayer;
- the consolidation, alternative delivery or privatization of agencies/agency functions where this makes business sense;
- ways to improve cost-effectiveness, customer service and accountability in the agency sector; and
- overall remuneration policy and ways to have

The Task Force issued an interim report on May 29, 1996^{xiv} and is

scheduled to complete its work by the end of the year. In its interim report the Commission indicated that the role of the Pesticides Advisory Committee was still under review. No other reference was made to environmental agencies, boards or commissions.

Structure of this Report

This report seeks to provide an overview of the government's initiatives in each of the following areas:

- land-use planning;
- public participation in decision-making;
- water;
- energy;
- waste management;
- mining;
- non-renewable resources;
- forestry;
- wildlife, wilderness and parks;
- transportation;
- air;
- pesticides; and
- environmental and natural resources science and education.

The report includes a commentary on the government's activities, a discussion of likely next steps and a chronology of events in each of these areas. Appendix 1 provides an overall chronology of events between June 8, 1995 and June 3, 1996. Appendix 2 details the government's announced reductions in the 1995-96, 1996-97 and 1997-98 budgets of the Ministries of Environment and Energy and of Natural Resources.

Review of Initiatives affecting Ontario's Environment (by subject)

LAND USE PLANNING

Introduction

Land use planning, both on public and private lands, is the area most heavily affected by the "Common Sense Revolution." Major amendments have been made to the *Planning Act* and the *Public Lands Act* to "remove barriers to growth." In addition, there have been dramatic reductions in provincial funding for Conservation Authorities, and the role of the Niagara Escarpment Commission is under review.

Bill 20 - *The Land Use Planning and Protection Act*

Repeal of Bill 163 Amendments to the Planning Act

A number of significant amendments to the land-use planning system under the *Planning Act*, introduced by the previous government through Bill 163 as a result of the work of the Commission on Planning and Development Reform in Ontario, have been repealed through Bill 20 (*The Land Use Planning and Protection Act*).^{xv} The key changes include replacing the requirement that planning decisions "be consistent with" provincial planning policy statements with a requirement that they "have regard to" provincial policy statements. The requirements related to the existence of adequate infrastructure prior to the approval of new developments (the "prematurity" test) have also been weakened.

In addition, many provisions related to public participation in planning and decision-making have been diluted or repealed.^{xvi} This includes reductions in public comment periods on official plan amendments from 30 to 20 days, the removal of public meeting requirements for subdivision plans, and the disallowance of minor variance appeals to the Ontario Municipal Board.

The land use planning roles of the MoEE and MNR have been significantly weakened as well. In past, these agencies have been voices for environmental protection and natural resources conservation in the planning process but are unlikely to be in the future as a consequence of Bill 20. The amendments only permit the MoEE and MNR to participate in planning decisions when invited to do so by the Ministry of Municipal Affairs. Both Ministries have indicated their intention to wind down their activities related to land use planning.^{xvii}

Bill 20 also amended the *Development Charges Act* to require that all new development charges by municipalities be approved by the Minister of Municipal Affairs. Development charges are

applied by municipalities to new developments to support the infrastructure necessary to support them. During debate on the Bill, the Minister of Municipal Affairs stated that approval would only be granted to municipalities for development charges for "hard" services, such as roads and sewers. Charges would not be approved to finance new "soft" infrastructure, such as schools and libraries. These services will have to be provided to new developments out of existing municipal resources.

Provincial Policy Statement

A new provincial policy statement has also been introduced, replacing the comprehensive set of policy statements introduced to accompany Bill 163. The new policy statement removed many elements of the previous policy statement related to such things as transportation, sewer and water infrastructure intended to reduce urban sprawl and promote intensification. In addition, the requirements to protect ecologically significant areas and prime agricultural lands contained in the previous policy statements have been significantly weakened.^{xviii}

May 1996 Land Transfer Tax Exemption

The impact of the removal of constraints on urban sprawl and efforts to promote urban intensification in the government's new provincial Planning Policy Statement was compounded by the government's May 1996 Budget. The budget suspended the Land Transfer Tax on the purchase of new houses for nine months, effectively providing a subsidy to the purchase of houses in new urban developments. In addition, some of the funding for provincial and municipal road and highway construction removed in the government's October and November 1995 economic statements was restored in the May 1996 budget.

Bill 26 Amendments to the *Public Lands Act*

Bill 26, the *Savings and Restructuring Act, 1996* made major amendments to the *Public Lands Act*. The Bill amended the Act such that permits from the Ministry of Natural Resources would only be required for activities prescribed by regulation. Previously, permits were required for all activities on public lands.

The Ministry of Natural Resources has indicated its intention to eliminate approximately 90% of the approvals currently required for activities on public lands in the province through the implementation of the Bill 26 amendments to the Act.^{xix} Those permitting requirements to be retained are to focus on protecting fish habitat and water quality, and on maintaining public safety.^{xx} The effective result seems likely to be a virtually "open season" on activities on public lands in the province.

Conservation Authorities

There are 38 Conservation Authorities in Ontario. They are the only institutions in the province established on an ecosystem basis, being organized around major watersheds. First established in 1946, the Conservation Authorities own or are responsible for the management of 121,400 hectares of land in Ontario. Their lands include a wide range of ecologically significant areas, such as wetlands, ravines and woodlots.

The Bill 26 amendments to the *Conservation Authorities Act* facilitate the dissolution of Conservation Authorities and the sale of their lands to private interests.^{xxi} Provincial operating grants to Conservation Authorities are to be reduced by \$7.4 million per year by the 1997/98 fiscal year, a 42% reduction against the 1994-95 base year.^{xxii} Provincial capital grants to Authorities are to be phased out. As a result, individual Authorities are reducing their staff between 20% and 60%.^{xxiii}

The impact of the reductions in provincial grants has been compounded by the limitations imposed through Bill 26 on Conservation Authorities' capacity to raise funds, except for the purposes of flood control.^{xxiv} Conservation Authorities in rural areas are the most heavily affected by these changes. The Kawartha Regional Conservation Authority, for example, has lost \$218,000 in provincial funding out of a total budget of \$579,000 (37%) and has laid off 11 of its 13 staff members.^{xxv} By contrast the Metro Toronto Region Authority has lost less than 10% of its budget.^{xxvi}

There are serious concerns that the resulting financial pressures may lead to the sale of Authority lands, or their leasing for commercial purposes, such as golf courses. Such possibilities have caused particular alarm among individuals and organizations who have donated environmentally significant lands to Conservation Authorities in the past.^{xxvii}

Niagara Escarpment Commission

The Niagara Escarpment is internationally recognized as a UNESCO World Biosphere Reserve. The Niagara Escarpment Commission (NEC) was established under the 1973 *Niagara Escarpment Planning and Development Act*. The NEC administers the Niagara Escarpment Plan, which was adopted in 1985 by the previous Progressive Conservative government, and renewed in 1995. The Plan effectively "zones" the Escarpment into protective and use categories, and limits the uses which may be undertaken within these zones. In addition, all major new land uses or developments within the plan area require a "development permit" from the NEC.

The budget of the Niagara Escarpment Commission has been reduced by \$700,000 for the 1996/97 fiscal year, a 28% reduction against the Commission's 1994/95 budget. A significant weakening of the Commission's mandate and of the protection provided to the ecological integrity of the Escarpment also seems likely as part of both the Red Tape Review Commission" and provincial agencies,

boards and commissions review processes announced on November 29.

In particular, it is widely suggested that the provincial government is considering delegating authority to grant development permits within the Niagara Escarpment Plan Area from the Commission to the local municipalities in the plan area.^{xxviii} This has caused serious concern, as the municipalities are seen to lack the staff, resources, expertise or political will to fully implement the protective policies of the Niagara Escarpment Plan. Indeed, some of the municipalities within the plan area have been the strongest proponents and supporters of development on the Escarpment.^{xxix}

Farm Practices Protection Act Revisions

In February 1996, the Minister of Agriculture, Food and Rural Affairs released a consultation paper on the role of the Farm Practices Protection Board and the *Farm Practices Protection Act*.^{xxx} The Act prevents common law nuisance actions being undertaken against farm operations by neighbouring landowners. The proposed changes include amending the Act so that it will take precedence over:

- any land use control law;
- the *Environmental Protection Act*;
- the *Pesticides Act*;
- the *Health Protection and Promotion Act, 1983*; and
- the *Ontario Water Resources Act*.

This would effectively exempt all farm activities from the province's environmental, land use planning and public health legislation. It is also proposed that the burden of proof in proceedings before the Farm Practices Protection Board, be placed on the complainant.

The government has also withdrawn funding for the purchase of agricultural covenants to protect the Niagara Fruit Belt from urban development.

The Next Steps

The events anticipated in the near future regarding land-use planning include the release of proposals for the reform of the Niagara Escarpment Commission, the implementation of the Bill 26 amendments to the *Public Lands Act* through regulations to be made under the Act, and the introduction of proposed amendments to the *Farm Practices Protection Act*.

Chronology of Changes to Land Use Policies and Regulations

- Jul 13/95 Agriculture Minister announces the province will be withdrawing \$15 million in funding for the purchase of agricultural covenants to protect the Niagara Fruit Belt from urban development.
- Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. The reductions were detailed for each of the years 1995-96 and 1996-97 but do not represent all the reductions that will take place. Effects to land use policy and protection due to cuts to the Ministry of Environment and Energy:
- reduce conservation and planning spending by \$0.68 M for both years;
- Cuts to Ministry of Natural Resources:
- conservation authorities' operating transfer payments cut by \$1.2 M in both years.
- Nov 15/95 Interim report of the Golden Task Force on the Greater Toronto Area. If recommendations proceed sweeping changes could be introduced to the area's land use, service delivery, tax structure and administration.
- Nov 16/95 Government introduces Bill 20, the *Land Use Planning and Protection Act*. The Bill will repeal many recommendations of the Commission on Planning and Development Reform in Ontario implemented through Bill 163.
- Dec 1/95 Niagara Escarpment Commission budget is reduced \$0.7 M as part of MoEE projected operating budget cutbacks for the 1996/97 fiscal year.
- Dec 13/95 Province announces it will market surplus government land throughout Ontario for productive development.
- Jan 2/96 A revised draft Provincial Policy Statement to accompany Bill 20 is released by Minister of Municipal Affairs.
- Jan 26/96 Ministry of Housing releases a consultation paper entitled "Back to Basics" which focuses on streamlining and simplifying the Building Code. Among other things, the paper proposes the removal of energy efficiency requirements from the Code.
- Jan 29/96 The Ontario Legislature enacts Bill 26, the *Government Savings and Restructuring Act* and in so doing amends many acts governing land use including:
- the *Public Lands Act*: amends work permit provisions; reduces capacity of courts to order restoration;
 - the *Municipal Act*: easier municipal restructuring, land annexation, and service cost or user fee implementation;
 - the *Conservation Authorities Act*: new provisions allow the dissolution of CAs and easier sale of CA lands. Limitations placed on scope of CA activities and funding.
- Jan 29/96 Ministry of Environment and Energy releases its review of its land use planning process. If recommendations are adopted, it would create an approach consistent

with Bill 20: the MoEE would shift its emphasis away from the review of site-specific applications to involvement in official plan policy formulation.

Feb '96 Consultation paper on *Farm Practices Protection Act* released by the Ministry of Agriculture, Food and Rural Affairs.

Mar 26/96 Bill 20, the *Land Use Planning and Protection Act* enacted.

Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on land use:

- the Ministry of Municipal Affairs and Housing will become the principal or only body to deal with land use proposals;
- Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98.

May 7/96 Ontario Budget unveiled which includes the suspension of the Land Transfer Tax on the purchase of new houses and the restoration of previously-eliminated funding for road construction.

Introduction

The "Common Sense Revolution" has included dramatic reductions in opportunities for public participation in environmental decision-making in the province of Ontario. These include: the expiry of the *Intervenor Funding Project Act*; the exemption of the Ministry of Finance from the *Environmental Bill of Rights*; and the exemption of measures related to "financial restructuring" from the public notice and comment requirements of the *Environmental Bill of Rights* for ten months. The exemptions from the *Environmental Bill of Rights* prompted the Environmental Commissioner for Ontario to make a special report to the Ontario Legislature, highly critical of the government's action, in January 1996.

The government also dissolved a number of expert and multi-stakeholder advisory committees, including the Advisory Committee on Environmental Standards, the Environmental Assessment Advisory Committee, the MISA Advisory Committee, and the Ontario Round Table on Environment and Economy. These bodies have been unofficially replaced with an Advisory Council on Environmental Policy, which has links to the Progressive Conservative Party of Ontario.

The Bill 26 amendments to the *Freedom of Information and Protection of Privacy Act*, and the *Municipal Freedom of Information and Protection of Privacy Act*, have made it easier for government agencies to reject information requests, and require the imposition of user fees for freedom of information requests. The Bill 20 amendments to the *Planning Act* also eliminated or curtailed a number of opportunities for public participation in the land use planning process.

Expiry of the *Intervenor Funding Project Act*

The Progressive Conservative government allowed the *Intervenor Funding Project Act* to expire on April 1, 1996. Enacted in December 1988 by then Attorney-General Ian Scott, the Act provided financial assistance to public interest intervenors in hearings before the Environmental Assessment Board, the Ontario Energy Board, and Joint Boards of the Environmental Assessment Board and the Ontario Municipal Board.

The expiry of the Act will make it difficult, if not impossible, for ordinary citizens, and community and public interest groups to make their voices heard in major environmental decisions in Ontario. The government stated that the decision to let the Act expire is "consistent with our commitment to make hearings more efficient and to reduce

non-essential administrative processes" and that it would encourage proponents to voluntarily supply intervenor funding.^{xxxii} For her part, the Minister of the Environment noted that "people are able to come forward as volunteers still."^{xxxiii}

The expiry of the *Intervenor Funding Project Act* has been described as the government's "first step" in its revisions to the waste management approvals process.^{xxxiii} As noted under the section *Waste Management*, it has been reported that the government is considering removing most requirements for public hearings in the waste management approvals process.

It has also been reported that the Ministry of Environment and Energy is revising its guidelines on public consultation to focus on the concerns of individuals "directly affected" by an undertaking, and to downplay the concerns of others who may take an interest in an undertaking or who have expertise relevant to it. The government is also said to be reviewing the environmental assessment process under the *Environmental Assessment Act*. However, no information has been made available to the public regarding this review.

Exemptions from the *Environmental Bill of Rights*

On November 29, 1996 the government promulgated a regulation permanently exempting the Ministry of Finance from the *Environmental Bill of Rights*, as well as exempting measures related to "financial restructuring" from the public notice and comment requirements of the *Environmental Bill of Rights* for ten months. The exemptions from the *Environmental Bill of Rights* prompted the Environmental Commissioner for Ontario to make a special report to the Ontario Legislature, highly critical of the government's action, in January 1996.^{xxxiv} In addition to these exemptions, the province has been routinely imposing a 30 day public comment period on all major environmental regulatory proposals, the minimum time period required by the *Environmental Bill of Rights*, regardless of the nature and complexity of the proposals in question.

The Minister of the Environment and Energy has indicated her intention to minimize her ministry's use of the "financial restructuring" exemption from the notice and comment provisions of the *Environmental Bill of Rights*.^{xxxv} The Ministry of Natural Resources, on the other hand, has interpreted the "financial restructuring" exemption as widely as possible. In particular, the Ministry has stated that it views changes to permitting procedures as a result of fiscal reductions (such as the Bill 52 amendments to the *Aggregate Resources Act*) as being excused from the notice and comment provisions of the EBR by the "financial restructuring" exemption regulation.^{xxxvi}

Elimination of Advisory Committees

Advisory Committee on Environmental Standards, Environmental Assessment Advisory Committee, and MISA Advisory Committee

A number of other mechanisms for public consultation on major initiatives have been eliminated as well. Most notably, the Advisory Committee on Environmental Standards (ACES) and the Environmental Assessment Advisory Committee (EAAC), were disbanded by the Minister of Environment and Energy in September 1995. These bodies, consisting of independent individuals with appropriate expertise, received public input and provided advice to the Minister of Environment and Energy. The multi-stakeholder MISA Advisory Committee was disbanded at the same time. The MISA Advisory Committee had been established in 1986 to provide independent advice to the Minister of the Environment on proposed regulations under the MISA program.

On the occasion of their dissolution, the Minister of Environment and Energy stated that their work was completed, and that the Ministry could receive public input on proposed standards and undertakings through other means, particularly the notice and comment process under the *Environmental Bill of Rights*.^{xxxvii}

Dissolution of the Ontario Round Table on the Environment and Economy

On September 12, 1995, the Minister of Environment and Energy dissolved the Ontario Round Table on Environment and Economy. The Round Table, established in 1989 to promote sustainable development in the province, was a multi-stakeholder body, supported by a small secretariat. It had worked towards the integration of environmental and economic decision-making in the province and the resolution of conflicts between environmental protection and economic development.

The Policy Advisory Council on the Environment

At the same time that ACES, EAAC, the MISA Advisory Committee and the Ontario Round Table on the Environment and Economy have been dissolved, a new body calling itself the Policy Advisory Council on the Environment has emerged. Described as a "grassroots" policy process," it is made up of "a dozen or so volunteer stakeholders from different industries."^{xxxviii} The Council is co-chaired by Robert Power, a lawyer, and Guy Crittenden, the Chair of the Environmental Policy Committee of the Progressive Conservative Party of Ontario.

The Council's recommendations to the Minister of Environment

and Energy have included the repeal of the ban on new municipal solid waste incinerators, the introduction of "rigorous" environmental performance standards for incinerators and landfills, "improvements" in the approvals process, "streamlining" the environmental assessment process, and an "overhaul" of regulation.^{xxxix}

Bill 26 Amendments to Freedom of Information and Protection of Privacy Acts

Bill 26 amended the *Freedom of Information and Protection of Privacy Act* to permit heads of institutions to reject requests for information where they are of the opinion that, on reasonable grounds, the request is frivolous or vexatious. In addition, the Lieutenant-Governor in Council is now permitted to make regulations prescribing standards of what constitutes reasonable grounds for a head to conclude that a request for access to a record is frivolous or vexatious. Similar amendments were made to the *Municipal Freedom of Information and Protection of Privacy Act*.

There are serious concerns that these amendments may be abused by institutions wishing to limit public access to records. The concept of "frivolous or vexatious" requests is notoriously difficult to define, and depends to a great degree on judgement. These concerns are further reinforced by the provision that it will be the Lieutenant Governor-in-Council, rather than the independent Freedom of Information and Privacy Commissioner, who will determine what constitutes a frivolous or vexatious request.

The Bill 26 amendments to the *Freedom of Information and Protection of Privacy Act*, and the *Municipal Freedom of Information and Protection of Privacy Act*, also permit the the imposition of user fees for freedom of information requests. A fee schedule was announced on February 5, 1996.

Bill 20 - The Land Use Planning and Protection Act

As noted earlier in the subsection "Land Use", Bill 20, *The Land Use Planning and Protection Act* placed a number of constraints on public participation in land-use planning decision-making. This included reductions in public comment periods on official plan amendments from 30 to 20 days, the removal of public meeting requirements for subdivision plans, and the disallowance of minor variance appeals to the Ontario Municipal Board.^{x1}

The Next Steps

The Office of the Environmental Commission for Ontario is expected to release its first annual report on the implementation of the *Environmental Bill of Rights* in late June. In addition, the

Ministry of Environment and Energy is expected to release a new guideline on public consultation in the approvals process in the near future.

Chronology of Changes to EBR, Public Participation Policies and Regulations

Sep 12/95 The Ontario Round Table on Environment and Economy is disbanded. Office closed on November 17/95. ORTEE's mandate was the establishment of a sustainability strategy for Ontario.

Sep 29/95 Environment and Energy Minister Brenda Elliott announced the termination of three committees: the Advisory Committee on Environmental Standards; the Environmental Assessment Advisory Committee and the Municipal Industrial Strategy for Abatement Advisory Committee. The committees, in brief, performed the following functions:

- MISA: advised on pollutant limits in industrial waste water.
- EAAC: forum to comment on the EAA's rules and application to specific projects.
 - ACES: specific contaminant guideline establishment e.g. tritium.

Sep '95 MoEE creates a committee called the Policy Advisory Council on Environment. The stakeholder committee will represent various stakeholder interests and advise the Minister on policy matters. The committee may hold some informal roundtable sessions and consultations.

Nov 29/95 *Ontario Regulation 482/95* promulgated. Effect is to exempt the Ministry of Finance from the Environmental Bill of Rights, and temporarily suspend specific public notice requirements for cost-cutting measures for the next ten months.

Nov 29/95 Government introduces Bill 26 the *Government Savings and Restructuring Act*. This Bill would implement changes to a wide range of legislation including freedom of information and protection of privacy legislation.

Jan 17/96 The Environmental Commissioner of Ontario presents "Special Report to the Speaker of the Legislature". In it, she criticizes the government for violating the spirit and intent of the *Environmental Bill of Rights* through the promulgation of Regulation 482/95.

Jan 29/96 Bill 26, the *Government Saving and Restructuring Act* enacted:

- the *Freedom of Information and Protection of Privacy Act* amended to make it easier to reject requests that are considered frivolous or vexatious;
- the *Municipal Freedom of Information and Protection of Privacy Act* amended to make it easier to reject requests that are considered frivolous or vexatious;
- Both sets of amendments require the establishment of fees for both applying for, and retrieving information.

Feb 5/96 Fees for both applying for, and retrieval of information set under freedom of information acts.

Apr 1/96 *Intervenor Funding Project Act* expires.

Jun 3/96 The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:

- the shut-down of the Environmental Comensation Corporation;
- the repeal of the Ontario Waste Management Corporation Act;
- the creation of authority for the MoEE to recover administrative cost from activities such as waste generator registration and manifests, water well records and permits to take water.

ENERGY

Introduction

The Common Sense Revolution's only reference to energy issues was a commitment to a 5-year rate freeze for Ontario Hydro. However, energy related programs have been seriously affected by the government's initiatives. Major initiatives have included the elimination of energy efficiency programs, proposals for the de-regulation of Ontario's gas utilities, and moves toward the privatization of Ontario Hydro.

Elimination of Energy Efficiency Programs and Requirements

The government has eliminated funding for virtually all of the MoEE's energy research and efficiency programs. The elimination of the Ministry's Green Communities and Home Green-up Programs will also eliminate energy efficiency promotion and energy programs for the residential sector. The elimination of energy efficiency requirements from the Ontario Building Code was proposed in January 1996 by the Ministry of Municipal Affairs and Housing in a consultation document released by the Ministry entitled "Back to Basics."

Ontario Energy Board Budget Reductions/Gas Utility De-Regulation

The operating budget of the Ontario Energy Board (OEB) has been reduced by \$510,000.^{xli} This will reduce the Board's capacity to oversee the province's natural gas utilities. In addition, On December 22, 1995 the government proposed to exempt Centra Gas, Consumers Gas and Union Gas from having to obtain prior approval by the OEB for activities such as diversification, intercorporate indebtedness and affiliate transactions. The utilities currently have to seek approval for such activities and approval for such activities would come with conditions. The conditions typically ensured that gas ratepayers were not required to subsidize the costs, and hence profits, of the utility's parents or their non-regulated affiliates or subsidiaries.

The government's actual and proposed exemptions (some have already proceeded) raise significant process and substantive public policy issues. If the proposed exemptions pass and the utilities are allowed to deregulate their energy conservation programs, it is probable that only the easiest and most profitable conservation options will be pursued by the utility industry. As a result, consumers will not achieve the maximum desirable level of bill savings and profits will rise. From an environmental

perspective, carbon dioxide emissions are bound to increase as the more substantial energy conservation initiatives are unlikely to be pursued in the absence of regulatory oversight by the Ontario Energy Board.

Ontario Hydro

Privatization Proposals

The possibility of the privatization of parts or all of Ontario Hydro is under consideration by the Advisory Committee on Competition in Ontario's Electrical System. The Committee, established in November 1995, is to evaluate options for phasing in competition in these areas:

- structural changes to the electrical utility industry;
- regulatory reform to ensure a healthy, competitive environment; and
- the introduction of private equity in the electric utility sector.

The Committee is chaired by Donald C. Macdonald. It includes: Jan Carr of Acres International, a consulting firm; Robert Gillespie, Chairman and CEO of General Electric Canada; John Grant, former Director of Wood Gundy; Darcy McKeogh, former Ontario Minister of Energy; Sylvia Sutherland, former Mayor of Peterborough; and Leonard Wavermann, Director of the Centre for International Studies at the University of Toronto. The Committee submitted its report to the government in May 1996. It is yet to be made public.

Ontario Hydro Board of Directors Appointments

On November 2, 1995, William A. Farlinger was appointed to replace Maurice Strong as Chair of Ontario Hydro. The government also attempted to remove five labour, environmental and other public interest representatives from the utility's Board of Directors on January 10, 1996. The government's action was overturned a week later on January 19, by the Ontario Divisional Court.

Spot Electricity Sales and Ontario Hydro Rate Freeze

The Minister of Environment and Energy opened the hourly electricity market to spot market electricity sales on an experimental basis in July 1995. This action is taken as a signal that the government would like to open up Ontario's electricity market and reduce or remove Ontario Hydro's monopoly in the electricity market. A five-year rate freeze was imposed on Ontario Hydro in October 1995.

The Next Steps

The longterm environmental effects of deregulation in the energy industry are difficult to project. On the one hand, it has been argued that elimination of Ontario Hydro's virtual monopoly on electricity production and distribution will allow for a greater pursuit of energy efficiency and co-generations schemes which have environmental benefits. On the other hand, Ontario Hydro has made strong commitments to stabilize and even reduce its greenhouse gas emissions; it is unknown what the fate of these commitments would be in a more 'open market' system of electricity production and distribution. While in the field of natural gas, the elimination of the oversight of the Ontario Energy Board would almost certainly lead to the gas utilities placing less emphasis on the pursuit of substantial energy conservation projects. Similarly, weakening energy efficiency standards in the Building Code would have negative environmental implications.

Several review and hearing processes underway are bound to lead to changes in the structure and regulatory framework of energy-related industries in Ontario. The Ontario Government has been advised (as of May 1996) of a possible course of action regarding Ontario's electrical system by the Advisory Committee on Competition in Ontario's Electrical System and is expected to respond. The Ontario Energy Board has issued a response to the Minister of Environment and Energy's request regarding its views and the views of stakeholders on exemptions for certain OEB approvals; its now incumbent upon the government to carry out any next steps. Finally, the Ministry of Municipal Affairs and Housing will be conducting a review of the Building Code over the period November 1995 to March 1998. The review will involve public consultation, committees to review amendments and the preparation of a revised code.

Chronology of Changes to Energy Related Policies and Regulations

Jul 26/95 Minister of Environment and Energy opens the hourly electricity market to spot market electricity sales on an experimental basis.

Oct 3/95 Minister of Environment and Energy announces that a 5-year rate freeze is being instituted at Ontario Hydro.

Oct 6/95 MoEE energy conservation grants are reduced \$0.7 M as part of government-wide operating budget reductions announced by the Office of the Premier. The Ministry of Environment and Energy will have its operating budget reduced by \$14.9 M in each of the years 1995-96 and 1996-97.

Oct 24/95 Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient and alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.

Nov 2/95 Minister of Environment and Energy announces the establishment of the Advisory Committee on Competition in Ontario's Electricity System.

Nov 28/95 Advisory Committee on Competition in Ontario's Electricity System appointed.

Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year:

- Green Communities (\$1.7 M);
- home green-ups (\$8.4 M);
- energy education, training, standards development & conservation (\$1.2M);
- Ontario Energy Board (\$0.5 M).

Dec 22/95 Minister of Environment and Energy requests Ontario Energy Board to seek stakeholder input on exempting utilities from their prior OEB approval requirements.

Jan 10/96 Positions of five board members of Ontario Hydro revoked by the Minister of Environment and Energy. The members were considered to be the strongest advocates of environmental protection on the board.

Jan 19/96 Ontario Divisional Court Judge overturns the Environment Minister's decision of Jan 10, 1996 to relieve five Ontario Hydro Board members of their positions.

Jan 26/96 Ministry of Housing releases a consultation paper entitled "Back to Basics" which focuses on streamlining and simplifying the Building Code.

May '96 The Advisory Committee on Competition in Ontario's Electrical System submits report to the Ontario Government.

May '96 The Ontario Energy Board issues a response to the Minister of Environment and Energy's request regarding its views and the views of stakeholders on exemptions for certain OEB approvals.

WATER

Introduction

From the evidence presented to date it would appear that the province's water pollution control regulations will be a major target of the government's deregulation exercises. The Municipal Industrial Strategy for Abatement (MISA) Regulations are under review as part of the Red Tape Review Commission process, and the MISA Advisory Committee has been dissolved. There have also been major reductions in funding for municipal sewer and water infrastructure, and to Conservation Authorities. Controls on "improvements" (i.e. dams and diversions) to lakes and rivers seem likely to be weakened as result of the implementation of the Bill 26 amendments to the *Lakes and Rivers Improvements Act*. The government was also proposed to introduce a "permit-by-rule" system for approvals of septic systems under the *Environmental Protection Act*.

The MISA (Municipal Industrial Strategy for Abatement) Program

MISA Discharge Regulation Amendments

A series of amendments were made to the regulations controlling industrial discharges to water under the Municipal Industrial Strategy for Abatement (MISA) Program in the fall of 1995. Although the amendments were minor in nature for the most part, they raised serious concerns that the Ministry was returning to "back-door" dealing with individual facilities. Such an approach is contrary to the MISA process, which has been establishing limits on a sector-wide basis.^{xlii}

MISA and the Red Tape Review

Major retrenchments of the MISA requirements are possible as a result of the Red Tape Review Commission process. There are strong pressures for the weakening or repeal of the MISA regulations from a number of major industrial sectors, including the mining and chemical industries.^{xliii} The introduction of water pollution control standards for industrial discharges to sewers, which was originally part of the MISA program, seems unlikely.

MISA Advisory Committee Dissolution

The concerns regarding the fate of the MISA program were

reinforced by the dissolution of the MISA Advisory Committee (MAC) in September 1995. The Advisory Committee was established in 1986 to provide the Minister of the Environment with independent advice on the development and implementation of the MISA program.

Sewer and Water Infrastructure Impacts via Funding Reductions to the Ontario Clean Water Agency

Provincial support for the provision of sewer and water services has been significantly diminished through reductions to the MoEE's capital spending. Most of the MoEE's capital spending was achieved through allocations to the Ontario Clean Water Agency (OCWA). The bulk of OCWA's budgetary reductions, totalling \$142.5 million by 1997-98 arise from the elimination of the Agency's Municipal Assistance Program. This provided financial assistance to municipalities for the construction and maintenance of sewer and water systems.

The operation of sewer and water services by the Agency itself has so far been unaffected by the budgetary reductions.^{xliv} Although, there have been indications that this dimension of OCWA's operations may be privatized.^{xlv} The Agency is to be required to develop a detailed business plan, which will outline measures for it to be able to "remain self-sustaining as it faces more private sector competition in its operating activities, and lessens its dependence on profits from its financing activities."^{xlvi}

The reductions in provincial funding for new municipal sewer and water works may have the positive effect of reducing urban sprawl by limiting the resources available to support new urban expansion.^{xlvii} However, the Bill 20 amendments to the *Planning Act* eliminated the requirement for the establishment of sewer and water infrastructure prior to the approval of new developments. Furthermore, the elimination of the Municipal Assistance Program will reduce the resources available to municipalities to support existing sewer and water infrastructure. Municipalities may compensate for this loss in support through increased water bills to ratepayers and industrial water users.

Bill 26 Amendments to the *Lakes and Rivers Improvements Act*

Bill 26, the *Government Savings and Restructuring Act*, 1996 made major amendments to the *Lakes and Rivers Improvements Act*. The Bill amended the Act such that permits from the Ministry of Natural Resources would only be required for "improvements" (i.e. dams and diversions) prescribed by regulation. Previously, permits were required for all "improvements" to lakes and rivers.

The implementation of Bill 26 amendments to the *Lakes and Rivers Improvements Act*, as with the amendments to the *Public Lands Act*, seem likely to remove many of the constraints on

"improvements" to Ontario's lakes and rivers. Furthermore, the province's capacity to enforce what requirements are retained will be significantly weakened by the reductions in natural resources management staffing within the Ministry of Natural Resources.

Bill 57 Amendments to the Ontario Water Resources Act and the Environmental Protection Act.

Agricultural Drain Exemptions

On June 3, 1996 the Minister of Environment and Energy introduced Bill 57, the *Environmental Approvals Improvement Act*. Among other things, the Bill would amend the *Ontario Water Resources Act* (OWRA) to "clarify" that exemptions from the OWRA approval requirements for drainage works under the *Drainage Act* shall only apply to proposals whose main purpose is to facilitate agricultural activities.^{xlviii}

Septic System Approval Exemptions

Bill 57 would also amend Part VIII (Septic Systems) of the *Environmental Protection Act* to provide authority to make regulations that will allow the exemption of undertakings from specified types of approvals and specify requirements and conditions for exemptions. In effect, the proposed amendments would provide the authority to establish a "permit-by-rule" approval system for septic systems. This proposal raises a number of major issues, as septic systems have been associated with serious environmental and human health problems over the past few years.^{xlix} These problems may be exacerbated by a weakening of provincial oversight of the use and operation of septic sewage systems.

Conservation Authorities

As noted earlier, the Bill 26 amendments to the *Conservation Authorities Act* permit the dissolution of Authorities and facilitate the sale of their lands to private interests. Additionally, provincial operating grants to Conservation Authorities are to be reduced by at least 42%. This has major implications for water resources management in the province, as the Conservation Authorities were established for the specific purpose of managing water and other renewable resources on a watershed basis. The province has provided no indication of how the vital functions of Conservation Authorities are to be carried out with such enormous budget reductions, or in the event that Authorities are dissolved.

The Next Steps

The likely next steps in the government's agenda with respect

to water include the release of proposed changes to the province's water pollution control regulations, particularly under the MISA program as a result of the Ministry of Environment and Energy's Regulatory Review Process. In addition, it is expected that the Bill 26 amendments to the *Lakes and Rivers Improvement Act* will be implemented through regulations made under the Act in the near future. The government may also move towards the privatization of the operations of the Clean Water Agency. It is unclear if the government intends to complete the enactment of the Bill 57 amendments to the *Environmental Protection Act* and the *Ontario Water Resources Act* before the Legislature rises for the summer at the end of June.

Chronology of Changes to Water Policies and Regulations

Sep 26/95 Amendments proposed on the EBR to revise MISA Regulations.

Sep 29/95 Environment and Energy Minister Brenda Elliott announces the termination of MAC (the Municipal Industrial Strategy for Abatement Advisory Committee) and two other committees. MAC provided independent advice on pollutant limits in industrial waste water developed under the MISA program.

Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Cutbacks to MoEE capital budget include:

- \$31.8 M from the Ontario Clean Water Agency in the 1995-96 year. More reductions are detailed on April 11, 1996.

Reductions to Ministry of Natural Resources:

- Conservation Authorities' operating transfer payments \$1.2 M in both 1995-96 and 1996-97; this reduction is increased on April 11, 1996.

Oct 9/95 Exemption from the Environmental Assessment Process granted to the City of Toronto Western Beaches stormwater storage tunnel by the Minister of Environment and Energy.

Nov 29/95 MPP Frank Sheehan appointed to chair the Red Tape Review Commission. It will review all regulations made by the province and attempt to streamline or eliminate as many as possible within 12 months. Water quality protection regulations are likely to be reduced in scope or effectiveness under this review.

Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. The following programs terminated include:

- urban and rural beach cleanup / restoration (\$8.2 M);
- home green-ups including water conservation (\$8.4 M).

Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. Summarized briefly are the changes to:

- the *Lakes and Rivers Improvement Act*: reduce or eliminate permitting requirements when constructing, altering or using a dam or other water works; permits for virtually any activity on public lands and waters unless the minister responsible has prescribed regulations to the contrary;
- the *Conservation Authorities Act*: new provisions permit the dissolution and facilitate the sale of CA lands. Limitations placed on scope of CA activities and funding sources.

Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on water-related policies, institutions and regulations :

- The Ontario Clean Water Agency which manages municipal assistance for sewers and water treatment will have its budget reduced \$111.4 M in 1996-97 and \$142.5 M in 1997-98;
- Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98.

Jun 3/96 The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:

- the creation of authority for the MoEE to recover administrative cost from activities such as the retrieval of water well records and the preparation of permits to take water.

WASTE MANAGEMENT

Introduction

Waste management and waste diversion have been the target of many of the new government's "reforms." The government has repealed the previous government's ban on new municipal solid waste incinerators and dissolved both the Interim Waste Authority and the Ontario Waste Management Corporation. Most programs related to waste reduction, reuse and recycling have been eliminated. The approval process for waste disposal sites is under review, with the intention of facilitating easier approvals for landfills. The province has also granted financial institutions an exemption from environmental liability under the *Environmental Protection Act*, and is moving to implement new guidelines on the remediation of contaminated sites.

Incineration Ban Repeal

The previous government's ban on the establishment of new municipal solid waste (MSW) incinerators was repealed in December 1995. Emission guidelines for new municipal solid waste incinerators were introduced in January 1996. A number of municipalities are reported to be actively considering incineration as a waste management option, including Metropolitan Toronto.

Interim Waste Authority and Greater Toronto Area Waste Management

The Interim Waste Authority, established by the previous government to establish solid waste disposal sites for the Greater Toronto Area (GTA), was dissolved in July 1995. The government has provided no indication of how the issue of the need for new municipal solid waste disposal capacity in the GTA is to be addressed, beyond stating that it will limit its role to the approval and regulation of whatever disposal option is pursued by municipalities within the region. Metropolitan Toronto has explored a number of waste management options including new incineration facilities, and rail-haul to a distant disposal site.

Hazardous Waste Management

Dissolution of Ontario Waste Management Corporation

On August 31, 1995, the Minister of the Environment and Energy dissolved the Ontario Waste Management Corporation. Following the rejection of its proposed hazardous waste treatment and disposal facility in the spring of 1995, the OWMC had focused on the provision of technical advice to industry on hazardous waste reduction. At the time of the corporation's dissolution, the Minister of Environment and Energy stated that: "The main responsibility for managing these wastes rests not with the government, but with those in the private sector who generate them. It is the ministry's role to ensure that the private sector manages this waste according to prescribed standards and policies."¹ On June 3, 1996, the Minister of Environment and Energy introduced Bill 57, *The Environmental Approvals Improvements Act*, which, among other things, would repeal the *Ontario Waste Management Corporation Act*.

Elimination of Hazardous Waste Reduction Programs

At the same time that the OWMC has been dissolved, the Ministry has eliminated funding for its research and household hazardous waste 3Rs programs. There have been no significant regulatory initiatives related to hazardous waste management since 1987. There has been no indication of any intention on the part of the Ministry to update or strengthen its regulations and standards related to hazardous waste management, despite evidence in National Pollutant Release Inventory (NPRI) data that as much hazardous waste is disposed of, on and off-site, in Ontario as is discharged to the air and water.¹ⁱ

Municipal Solid Waste Reduction, Reuse and Recycling

Elimination of 3Rs Programs

The Ministry of the Environment and Energy's research and education programs to promote solid waste reduction, reuse and recycling have been eliminated. Funding support for municipal "Blue Box" programs has also been terminated.

3Rs Regulations and the Red Tape Review

The province's regulations requiring the source separation of wastes, the conduct of waste audits, and the development of waste reduction plans have been the target of a number of industry submissions to the Ministry of Environment and Energy's Regulatory Review Process.¹ⁱⁱ In addition, the Canadian Soft Drink Manufacturers Association and the Canadian Council of Grocery Distributors are seeking the repeal of the provincial regulation¹ⁱⁱⁱ requiring that a portion of soft drinks be sold in refillable containers.^{1iv}

Waste Disposal Site Approvals Process "Reform"

The Ministry of Environment and Energy is also reported to be considering major changes to the waste disposal site approval process. The proposals under consideration are reported to include exempting waste disposal sites from the requirements of the *Environmental Assessment Act*, and the adoption of a "permit-by-rule" system for the approval of disposal sites under the *Environmental Protection Act*.^{lv} This approach has been heavily criticized as being likely to result in a proliferation of disposal sites across the province, which could receive wastes from both inside and outside of Ontario.

More recently, it has been suggested that the *Environmental Assessment Act* would continue to apply to both public and private waste disposal facilities. However, proposals would be exempted from the requirements of section 5(3) of the Act requiring consideration of: "alternatives to" disposal sites, such as recycling; "alternative methods" of carrying out the undertaking, such as alternative landfill sites; and alternative landfill technologies (i.e. liners, leachate and gas collection systems). Proponents would continue to be required to consider environmental effects of the preferred landfill site and technology.^{lvi}

It is also reported that the Ministry of Environment and Energy is considering the development of landfill design standards. Landfills meeting these standards would be assumed to be safe, and may be exempted from mandatory public hearings under the *Environmental Protection Act*, and not referred for *Environmental Assessment Act* hearings. "Non-standard" designs would continue to be subject to *Environmental Protection Act* hearing requirements and *Environmental Assessment Act* hearings when the Minister receives a request for a hearing.^{lvii}

Where hearings are required, intervenor funding would, of course, not be available to local and public intervenors, due to the expiry of the *Intervenor Funding Project Act*. In addition, it is reported that the Ministry of Environment and Energy is considering revising its guidelines on public consultation to focus on identifying and consulting with parties "directly affected" by an undertaking.^{lviii}

If implemented, such changes would have enormous impacts on the approval process for waste disposal sites. Effectively the process would cease to be a planning process, which encourages the development of waste management systems, including reduction, reuse, recycling and composting components as well as disposal sites. Indeed, the process would cease to be even an environmental planning process, as there would be no requirements to consider alternative sites for landfills or the characteristics of a preferred site, such as ecological, social, or cultural significance. Nor would there be any requirements to consider alternatives in the design of disposal facilities. Furthermore,

significant barriers would be presented to the use of alternative or innovative disposal site designs.

Opportunities for public participation in decision-making regarding landfills would be reduced drastically. Most landfills, regardless of size, would be able to proceed without public hearings. Even where hearings would be provided, intervenor funding would only be available at the discretion of the proponent. This would make it almost impossible for affected citizens or communities to participate effectively in the process.

In effect, the proposal would, if implemented, exempt proposed landfills from the most important elements of the *Environmental Assessment Act*, and even the requirements which have existed since 1970 for public hearings on proposed landfills prior to their approval.^{1ix} The proposal seems designed to facilitate the proliferation of landfill sites across the province and fails to recognize the environmental significance of landfills as well as the reasons for the establishment of extensive waste management planning requirements in relation to their approval.

Contaminated Sites

Lender Liability Exemption for Contaminated Sites

On December 18, 1995, the Ministry of Environment and Energy issued a new policy exempting lenders from liability for the clean-up of contaminated sites under the *Environmental Protection Act*. The policy gives creditors general permission to inspect properties and prepare sites for re-sale without the possibility of incurring liability under the Act.

The new policy appears to ignore the possibility that creditors will abandon properties whose remediation costs may exceed their value. This may lead to properties being left unremediated, or in cases where action is needed to prevent further damage to the environment or human health, the taxpayer having to bear the costs of remediation. Furthermore, strong arguments have been made that the province should not deal with the issue of liability for the remediation of contaminated sites in a piecemeal fashion, granting exemptions to individual sectors, while failing to establish an overall policy framework on liability which ensures that the taxpayer is not left with the costs of site remediation.^{1x}

Contaminated Site Remediation Guidelines Revisions

New guidelines for the remediation of contaminated sites, employing a permit-by-rule approach to approvals and a "risk-based" approach to clean-up standards are anticipated shortly. The proposed model has been strongly criticized by environmental organizations, as providing inadequate provincial oversight of site remediation activities, and effectively lowering existing

standards for contaminated site remediation.^{lxi}

Bill 57 Amendments to the *Environmental Protection Act* and the Dissolution of the Environmental Compensation Corporation

On June 3, 1996 the Minister of Environment and Energy introduced Bill 57, *The Environmental Approvals Improvements Act*. Among other things, the Bill would amend Part X (Spills) of the *Environmental Protection Act* to terminate the Environmental Compensation Corporation (ECC) and remove the right of victims of spills to compensation through the ECC. If these amendments are enacted, victims of spills would be required to initiate a civil action against the party responsible for a spill in order to receive compensation. It would appear that there would be no provision for compensation of victims of spill where the responsible party is bankrupt or otherwise unable to provide compensation.

The Next Steps

The release of specific proposals on the reform of the waste disposal site approvals process is anticipated at some point in the next few months. New guidelines on public consultation in the approvals process and for the remediation of contaminated sites are also anticipated. In addition, the Ministry of Environment and Energy is expected to propose amendments to the 3R's and refillable beverage container regulations as part of its regulatory review process. It is unclear if the government intends to enact the Bill 57 amendments to the *Environmental Protection Act* before the Legislature rises for the summer.

Chronology of Changes to Waste Policies and Regulations

Jul 5/95 Ontario government announces the dismantling of the Interim Waste Authority.

Jul 31/95 Ontario government formally posts its proposal to repeal the ban on new municipal solid waste incinerators on the *Environmental Bill of Rights* environmental registry. Proposal includes new emission standards for incinerators. Ontario Government proposes exemption order under the *Environmental Assessment Act* which would effectively *require* many municipalities to consider incineration as an alternative.

Aug 19/95 Ontario Northland Transportation Commission given approval to actively plan for use of Kirkland Lake abandoned mine for waste disposal.

Aug 31/95 The wrap-up of the Ontario Waste Management Corporation.

Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Cutbacks affecting waste management include:

- redesign municipal recycling support program (\$3.22 M);
- elimination of OWMC and three advisory committees: ACES, EAAC, MISA total \$0.8 M.

Oct 20/95 Minister of Environment and Energy announces that the Ontario government will review the Environmental Assessment process for waste disposal sites. A possible outcome of the review could be the exemption of new landfills from the EA process.

Nov 29/95 MPP Frank Sheehan appointed to chair the Red Tape Review Commission. It will review all 45,000 regulations in effect in the Province and attempt to streamline or eliminate as many as possible within 12 months. Waste management regulations are likely to be diminished.

Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. Terminated programs include:

- recycling, reduction, reuse support (\$5.6 M);
- household hazardous waste funding (\$0.2 M);
- home green-ups (\$8.4 M);

Dec 13/95 Ministry of Environment and Energy lifts ban on new municipal solid waste (MSW) incinerators.

Dec 18/95 Minister of Environment and Energy announces a new policy governing the liability of lenders when they assume a site with environmental damage. An exemption from environmental liability has been granted to lenders for the clean-up of sites of which they take possession.

Jan 2/96 A new guideline for emissions from new municipal solid waste incinerators issued by the Minister of Environment and Energy. Limits are performance-based and require continuous stack monitoring.

Jan 11/96 The MoEE announces new guidelines on the EBR Registry: "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land." These will amalgamate former guidelines for sewage sludge with draft interim guidelines on the agricultural application of waste other than sewage sludge.

Jun 3/96 The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:

- the shut-down of the Environmental Compensation Corporation;
- the repeal of the Ontario Waste Management Corporation Act;
- the creation of authority for the MoEE to recover administrative cost from activities such as waste generator registration and manifests, water well records and permits to take water.

MINING

Introduction

The mining industry is emerging as a major beneficiary of the "Common Sense Revolution." The requirements of the *Mining Act* for the remediation of abandoned mines have been seriously weakened through Bill 26. In addition, controls on prospecting activity under the *Public Lands Act* are likely to be eliminated, and prospectors have been granted an exemption from environmental liability under the *Environmental Protection Act*. In addition, the MISA Metal Mining and Industrial Minerals Sector Regulations are under review, and the government has imposed a mining tax freeze.

Bill 26 Amendments to the *Mining Act*

The Bill 26 amendments to the *Mining Act* effectively gutted the Act's provisions related to the closure and remediation of mines in the province. In particular, the Bill 26 amendments:

- weakened the Act's provisions for the approval of mine closure plans by the Ministry of Northern Development and Mines (MNDM);
- eliminated the requirement that mining companies post realizable financial securities to ensure that if they go bankrupt the taxpayer does not have to pay for the closure of their mines;
- exempted information related to the financial assurances for mine closures provided by mining companies from freedom of information requests;
- removed the requirements for the delivery of annual reports on implementation of closure plans to the MNDM by mining companies;
- exempted holders of mining claims from liability for pre-existing mine hazards; and
- exempted proponents who voluntarily surrender mining lands from any future environmental liabilities even if they arise as a result of the proponent's actions.^{lxii}

At the same time, the budget for the MNDM's Mine Remediation Branch was reduced by \$1.3 million/yr and fourteen staff members laid off.^{lxiii} Two inspectors remain to oversee all mine closure and remediation activities in Northern Ontario.

The Ministry of Northern Development and Mines has estimated that there are already more than 5,000 abandoned mines in Ontario,^{lxiv} and estimates of the cost of their remediation range from \$300 million^{lxv} to \$3 billion.^{lxvi} Effectively, the Bill 26 amendments to the *Mining Act* reversed the effect of amendments made to the Act in 1989^{lxvii} to ensure that the public did not

assume the costs of remediating additional abandoned mines.

Bill 26 Amendments to the *Public Lands Act*

The Bill 26 Amendments to the *Public Lands Act* also have significant implications for the mining industry. In particular, it seems likely that the requirements for approval from the Ministry of Natural Resources under the *Public Lands Act* for prospecting and exploration activities on public lands will be eliminated through the implementation of the Bill 26 amendments to the Act.

Environmental Liability Exemption for Prospectors

In addition to the Bill 26 amendments to the *Mining Act*, prospectors were granted immunity from environmental liability for pre-existing mine hazards under the *Environmental Protection Act* through a regulation announced on December 13, 1995 by the Ministry of Environment and Energy. This regulation seems intended to permit and promote prospecting on unremediated abandoned mine sites.

MISA Metal Mining Sector Regulation Amendments

In September 1995 the Ministry of Environment and Energy proposed to amend the MISA regulation for the Metal Mining Sector to "clarify" the non-application of the regulation to closed mine sites. This raises the issue of who is responsible for the monitoring and control of discharges from abandoned sites, particularly in light of the mine closure plan and abandonment provisions of the Bill 26 Amendments to the *Mining Act*.

In addition to the amendments to the MISA regulations related to closed mine sites, the Ministry proposed to amend the regulations to "clarify the point that there are no discharge limits set on seepage from waste rock and slag storage sites" (i.e. Acid Mine Drainage). Companies are required to report on storm water control in relation to such sites. These amendments have yet to be implemented.^{lxviii}

The Mining Industry and the Regulatory Review/Red Tape Review Commission Process

The weakening of the MISA regulations affecting the Metal Mining and Industrial Minerals sectors is a major goal of the mining industry's submission to the Ministry of Environment and Energy's Regulatory Review Process. Among other things, the industry is pressing for the elimination of the effluent acute toxicity testing requirements, the pH adjustment requirements, complete exemptions for operators using Best Available Treatment Economically Achievable (BATEA) pollution control technologies,

and the exemption of the salt industry from lethality limits.^{lxxix}

More broadly, the mining industry is seeking: to have decision-making related to approvals delegated to District and Regional Offices of the MoEE; the elimination of the use of guideline values in Certificates of Approval and other regulatory instruments; and the elimination of the use of generic conditions in Certificates of Approval.^{lxxx} If implemented, these proposals would effectively return the permitting process to a case-by-case approach, with no consistency across the province. It also seems likely to result in weaker regulatory requirements than is currently the case, due to the capacity of mining firms to exert economic pressure within the communities in which they operate.

Mining Tax Freeze in May 1996 Budget

In its May 1996 budget, the government announced a freeze on all mining taxes and *Mining Act* related fees and licenses.^{lxxxi} The government also announced its intention to amend the *Corporations Tax Act* to incorporate the expansion of the accelerated depreciation allowance for new and expanded mines provided in the February 1996 federal budget.^{lxxii}

Mining Support Program Elimination

The Ontario Mineral Incentive Program (\$3 million/yr) has been eliminated, removing a small subsidy to the mining industry. The government has also indicated its willingness to pursue "partnerships" with the private sector in the funding of resource development infrastructure in Northern Ontario.^{lxxiii} This may involve requiring mining and forestry companies to bear some of the cost of providing infrastructure (i.e. road and railways) to support their operations. At the same time, the Ontario Prospectors Assistance program (\$2 million/yr) is to be retained.^{lxxiv}

The Next Steps

The Ministry of Environment and Energy is expected to propose changes to the environmental regulations affecting the mining industry as part of its regulatory review in the summer of 1996. The implementation of the Bill 26 amendments to the *Public Lands Act* through regulations made under the Act is also anticipated shortly. These may remove controls on prospecting and exploration activities on public lands.

Chronology of Changes to Mining Policies and Regulations

- Sep 26/95 Proposal posted EBR Registry to "clarify" requirements of MISA Metal Mining Sector Monitoring and Effluent Regulation for post-closure monitoring of mine discharges.
- Oct 6/95 Budgetary reductions to the Ministry of Northern Development and Mines: mine-site rehabilitation program redesign \$1.3 M in 1996-97.
- Oct 24/95 Ministry of Northern Development and Mines announces the replacement of the current mine closure review process with a self-regulating system.
- Dec 13/95 Minister of Environment and Energy announces regulation exempting prospectors from environmental liability under the *Environmental Protection Act*.
- Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. The Bill amends the *Mining Act* to reduce obligations for reporting, financial assurance, mine closure, decommissioning and rehabilitation. The Bill also amends work permit provisions of *Public Lands Act* and reduces capacity of courts to order restoration;
- May 7/96 In its first budget, the Ontario government announces a freeze on all mining taxes and *Mining Act* related fees and licenses. The government also announced its intention to amend the *Corporations Tax Act* to incorporate the expansion of the accelerated depreciation allowance for new and expanded mines provided in the February 1996 federal budget.

MINERAL AGGREGATES, PETROLEUM RESOURCES AND BRINE INDUSTRIES

Introduction

Major changes are being introduced into the Ministry of Natural Resource's regulatory regime for the aggregates, petroleum and brine (salt solution mining) industries. These changes are to be implemented through Bill 52, which was introduced into the Legislature on May 14, 1996. Bill 52 would amend the *Aggregate Resources Act*, *Petroleum Resources Act*, *Mining Act*, and the *Ontario Energy Board Act*. Responsibility for site inspections and monitoring are to be "transferred" from the MNR to these industries. The government is also proposing to shift from "complex, detailed legislation and regulations to ones which are more streamlined, backed by detailed technical standards."^{1xxv}

Mineral Aggregates (Pits and Quarries)

Self-Monitoring by the Mineral Aggregates Industry

The operations of the mineral aggregates industry (i.e. gravel pits and quarries) are regulated by the Ministry of Natural Resources under the *Aggregate Resources Act*.^{1xxvi} On May 14, 1996 the MNR announced a major restructuring of the way in which the aggregates industry will be regulated by the Ministry. Responsibility for day-to-day site inspections and monitoring for compliance with the terms of site plans and licenses under the *Aggregate Resources Act* is to be "transferred" from the MNR to the aggregates industry.^{1xxvii}

The stated rationale for these changes is that, as a result of fiscal constraints and a downsizing of staff, the MNR was unable to fulfil its legislated duties in the administration of the *Aggregates Resources Act*.^{1xxviii} The government's proposal raises concerns from a number of perspectives. There has been long-standing and serious criticism of the industry, its environmental impacts, and the adequacy of the MNR's existing inspection and enforcement efforts.^{1xxix} The government's proposal would clearly weaken what provincial oversight of the industry there is, and raises the possibility that firms simply will not report non-compliance, or direct MNR inspectors away from problem areas. In addition, it may be difficult to use evidence arising from self-monitoring reports in enforcement actions, as its use could be construed as self-incrimination.

The government is also proposing to transfer responsibility for the administration and delivery of the rehabilitation program associated with the Abandoned Pits and Quarries Rehabilitation Fund to the industry.^{1xxx}

Amendments to the *Aggregates Resources Act* to implement these proposals were introduced on May 14. The amendments also provide for increased fines, extended licence suspension periods, and longer time periods for the initiation of prosecutions under the Act.

Petroleum Resources and Brine Industry Management

The MNR has announced changes to the regulation of the petroleum and brine (salt solution mining) industries similar to those announced for the aggregates industry. Legislation and regulations related to the industries are to be "streamlined" and "simplified." While the MNR is to continue to conduct field inspections, private inspectors, certified by the Ministry, are also to be used. The system will apparently be based on the self-monitoring system to be employed with the aggregates industry.^{1xxx1}

The government is also proposing to increase fines under the *Petroleum Resources Act*. Requirements for life-cycle well licences will also be established to replace the current system of well permits, which only address the regulatory functions associated with drilling.

The Next Steps

The government may seek the enactment Bill 52 before the Legislature rises for the summer at the end of June. The adoption of the Bill would have to be accompanied by the development and implementation of new standards and guidelines for the aggregates, petroleum and brine industries.

FORESTRY

Introduction

The management of Ontario's forests is another area of provincial jurisdiction which is undergoing substantial regulatory changes under this government's guidance. There have been dramatic reductions in funding for the implementation of the terms and conditions of the Class Environmental Assessment on Timber Management, and for forest management activities in general. Provincial oversight and management of the public's forests are moving toward effective elimination as a result. Responsibility for the sustainable management of Ontario's forests and for non-timber forest values will rest almost entirely with the forest industry.

Budgetary Reductions to Forest Management Activities

The MNR's forest management programs have been one of the greatest areas of expenditure reduction within the Ministry's budget. On October 6, 1995 the MNR announced a \$19.1 million reduction (47% of the budget) for the implementation of the terms and conditions associated with the Class Environmental Assessment on the Timber Management on Crown Lands. This included major reductions in resources for information collection and management research and development (\$7.5 million), geographic information (\$3.6 million), effects and effectiveness monitoring (\$2.8 million), training and professional support (\$1.2 million) and public consultation and reporting (\$711,000). In addition, \$2.7 was removed from the budget for the sustainable forestry program.^{lxxxii}

This was followed by the government's announcement that funding for forest management activities will be reduced by \$45.9 million by the 1997/98 fiscal year. Details of the impact of these reductions have yet to be made available. However, the Ministry has indicated that "Ontario's forest industries will take on more responsibility for forest management planning, forest operations, including forest renewal, collecting information about the forest, and some aspects of monitoring and compliance."^{lxxxiii}

Indeed, given the levels of reductions in funding, it seems likely that provincial oversight and management of Ontario's public forests will be effectively eliminated. Responsibility for ensuring that Ontario's forests are managed sustainably, and for the consideration of non-timber forest values, such as biodiversity conservation, will rest almost entirely with the forest industry.

In addition, there is to be a \$4 million reduction in the forest fire program. There also have been reductions and delays in the MNR's capital programs for the construction of forestry roads and bridges as a result of the budgetary reductions. This may have the positive effect of reducing provincial subsidies to the forest industry for the extraction of forest resources.

Bill 26 Amendments to the *Forest Fires Prevention Act*

Bill 26 amended the *Forest Fires Prevention Act* to repeal the provisions requiring that: a permit be obtained to light fires (other than for cooking or warmth) or to ignite fireworks; that a forest travel permit be obtained to enter areas designated as restricted travel zones due to the risk of forest fires; and that a work permit be obtained to carry on logging, mining, industrial operations, clear land, construct a dam, bridge, camp or operate a mill in or within 300 meters of a forest or woodland.

As with the Bill 26 amendments to the *Public Lands Act* and the *Lakes and Rivers Improvements Act*, the systems for fire, travel and work permits under the *Forest Fires Prevention Act* were removed as a statutory obligation. Instead, they have been replaced by regulations made by the Lieutenant-Governor in Council. These were announced on May 17, 1996. The new standards eliminate the requirement to obtain a fire permit for "small fires." This includes: burning piles of wood brush, or wood by-products, so long as the pile is less than two metres in height and the fire is two metres away from any flammable material; burning grass or leaves if the total area to be burned is less than 1 hectare; burning in incinerators so long as they are closed devices and at least five metres from any forest and two metres from any flammable material; and cooking fires.^{lxxxiv}

Bill 36 Amendments to the *Crown Forest Sustainability Act*

On April 3, 1996, the Minister of Natural Resources introduced the *Ministry of Natural Resources Statute Law Amendment Act* (Bill 36). The Bill includes amendments to the *Crown Forest Sustainability Act* of 1994 to permit the MNR to enter into agreements with smaller operators to enable the Ministry to perform certain forest management activities on their behalf. In addition, the amendments would make it an offense to prevent employees of the MNR from carrying out inspections and searches under the Act, and to permit the Minister of Natural Resources, rather than the Lieutenant-Governor in Council, to set forest renewal and forestry future charges.

Re-instatement of the Managed Forest Tax Rebate

The Progressive Conservative Party committed to the re-

instatement of the Managed Forest Tax Rebate in its "Common Sense Revolution" Platform. The re-instatement of the tax rebate was announced by the Minister of Natural Resources on February 9, 1996. The program permits a 75% rebate on forest lands where a management plan has been developed by the landowner. Management plans are to include forestry activities, the protection of wildlife habitat, flood and erosion control and water resources management.

The Next Steps

It is expected that the Ministry of Natural Resources will provide further details on the implementation of the reductions in Ministry functions related to forest management and the transfer of activities to the forest industry. As of June 3, 1996 the Bill 36 amendments to the *Crown Forest Sustainability Act* had not completed second reading.

Chronology of Changes to Forestry Policies and Regulations

Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Reductions to Ministry of Natural Resources:

- fire management \$0.5 M;
- sustainable forestry / environmental assessment implementation program \$19.1 M;
- nursery closures \$0.4 M.

Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. The Bill contained amendments to the *Forest Fire Prevention Act* as summarized below:

- repeal fire, travel and work permit provisions which will allow people into and activities to take place in forest fire prevention zones in an unregulated manner.

Feb 9/96 Managed Forest Tax Rebate Re-Instatement announced.

April 3/96 Introduction of Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act*.

Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on forestry policy and practices:

- streamline forest management to reduce budget by \$34.6 M in 1996-97 and \$45.9 M in 1997-98;

- wind down the Temagami Comprehensive Planning Council to save \$0.3 M in 1996-97 and again in 1997-98;
- reduce fire fighting operations by \$4.0 M in 1996-97 and again in 1997-98;

May 17/96New Burning Guidelines announced under the *Forest Fires Prevention Act*.

The new standards eliminate the requirement to obtain a fire permit for "small fires."

This includes:

- burning piles of wood brush, or wood by-products, so long as the pile is less than two metres in height and the fire is two metres away from any flammable material;
- burning grass or leaves if the total area to be burned is less than 1 hectare;
- burning in incinerators so long as they are closed devices and at least five metres from any forest and two metres from any flammable material; and cooking fires.

WILDLIFE, WILDERNESS AND PARKS

Introduction

During the June 1995 election, the Progressive Conservative Party of Ontario committed itself to "work with organizations and communities to improve our provincial parks system and work toward the World Wildlife Fund's Endangered Spaces Campaign goal established for 2000."^{lxxxv} To date there has been little progress towards this goal. In fact, on April 31, 1996, the World Wildlife Fund Canada gave the Government of Ontario an "F" for its efforts to protect ecologically significant areas in the province in its annual report on the Endangered Spaces Program.^{lxxxvi} In its report the World Wildlife Fund noted the weakening of natural heritage policies in the land use planning process, the Bill 26 amendments to the *Conservation Authorities Act*, and the exemptions from the Environmental Bill of Rights of measures related to fiscal restructuring.

The changes in the MNR's approach to Forest Management will also have major implications for wildlife and wilderness conservation in the province, particularly with respect to the consideration of biodiversity conservation in forest management. This will now be almost entirely at the discretion of forest management companies. More generally, the new government's approach to wildlife and wilderness issues seems exclusively concerned with the interests of sport hunters and fishers. The concerns of other stakeholders have been excluded.

Major cuts have been made to the budget for Ontario's system of Provincial Parks. The parks system is under intense pressure to increase revenues and implement cost recovery measures. This may lead to actions which conflict with the goal of preserving and protecting Ontario's natural and cultural heritage. Fifteen parks are targeted to be "no longer operated by the MNR" and another 12 are proposed to be operated with "partners."

Forest Management and Wilderness and Wildlife

As noted earlier, the changes in the Ministry of Natural Resource's approach to Forest Management will have major implications for wildlife and wilderness conservation in the province, particularly with respect to the consideration of biodiversity conservation in forest management. It appears that this will now be almost entirely at the discretion of forestry companies.



Figure 3: Ontario's Report Card from the World Wildlife Fund's Endangered Spaces Campaign

Bill 26 Amendments to the *Fish and Game Act*

Bill 26 amended the *Game and Fish Act* to permit the establishment of a separate account to hold the monies arising from activities such as fees collected or licenses issued under the Act (i.e. fishing and hunting license fees). Under the amendments, funds held in this separate account may be directed to the Minister or any person specified by the minister if it is "used for the management...of wildlife or fish populations..." or if the "payment will be used for a matter related to the activities of people as they interact with or affect wildlife or fish populations..." It could also be used to refund fees or royalties.

The Bill 26 amendments also provided for the establishment of an advisory committee by the Minister to oversee the account and report on it annually to the Lieutenant-Governor in Council and the Legislature. The fund

appears to be earmarked to replace the MNR's current budget for wildlife management. However, current licence revenues will not cover all of the Ministry's current fish and game management expenses. It is unclear how this gap will be addressed.

Serious concerns have been expressed that these funds will be used exclusively for the purpose of managing game species, and that individuals and organizations concerned with non-game species will be excluded from the advisory committee. There are also concerns that the creation of a dedicated fund may facilitate the "privatization" of fish and game management in the province.^{1xxxvii}

Wildlife Management

More generally, the new government's approach to wildlife and wilderness issue seems exclusively concerned with the interests of sport hunters and fishers. The concerns of other stakeholders appear to be excluded from consideration. In a February 1996 speech to the Ontario Federation of Anglers and Hunters, the Minister of Natural Resources included the following announcements in addition to the establishment of the dedicated fish and game fund provided for by the Bill 26 amendments to the *Fish and Game Act*:

- that he opposed the rapid phase-out of lead shot for waterfowl hunting proposed by the federal government and requested exemptions for woodcock hunters and upland hunting;

- that he recommended to the Canadian Wildlife Service and Environment Canada that the hunting of migratory game birds with raptors be permitted; and

- that the MNR would now permit two fishing rods per angler when fishing from boats on Lake Erie.

Bill 36 Amendments to the *Game and Fish Act*

On April 3, 1996, the Minister of Natural Resources introduced Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act*. The Bill would amend the *Game and Fish Act* to ban the possession and sale of Black Bear parts. The Bill would also amend the Act to permit farmers to harvest "nuisance" deer themselves, or to use an agent appointed by the MNR to do so. Finally, the Bill would amend to Act to replace the Game and Fish Hearing Board with a hearing officer.

Provincial Parks

The provincial parks system will be one of the areas most affected by the "Common Sense Revolution." The operating budget for the provincial parks system is to be reduced by \$9.1

million/yr by the 1997/98 fiscal year. Capital grants to the parks program seem likely to be eliminated.

In its April 11, 1996 business plan, the Ministry of Natural Resources announced that 15 parks, including Missinaibi River Park, a major wilderness waterway park in Northern Ontario, are targeted to be "no longer operated by MNR" (see Figure 4).

A further 12 parks (See Figure 5) are being proposed to be operated with "partners" (i.e. private sector operators). The MNR has also announced its intention to drop its lease on Serpent Mounds Provincial Park on Rice Lake, and to return the park to the Aboriginal band which owns the land. In total 28 of the 105 provincial parks (28%) currently operated by the MNR are to be "no longer operated by" the Ministry or "partnered" with outside agencies. While most the parks targeted for these changes are campgrounds several others, including Missinaibi, Mississagi

Batchawana Bay Obatanga Middle Falls
John E. PearcePakwash Potholes Lake NipigonPêche Island The Shoals Lake on the ntainPeter's WoodsTidewater Mark S. BurnhamPort Bruce Missinaibi

Figure 4: Preliminary List of Provincial Parks to be no longer operated by the MNR

and Ouimet Canyon are of considerable ecological significance.

*"Ontario Parks,"
Revenue Generation and
Cost Recovery*

Caliper Lake
Kap-Kig-Iwan
Driftwood
Lake of the Woods
Fushimi Lake
Marten River
Greenwater
Mississagi
Inverhuron
Ojibway
Ouimet Canyon
Windy Lake

Figure 5: List of Provincial Parks to be co-operated by the MNR and private sector partners.

These changes to Ontario's park system were followed with the announcement on May 1, 1996 of the creation of a new organization named "Ontario Parks." Its mission is "to improve the delivery of programs and services in key parks to increase revenues and, in turn, sustain other parks." This program includes the creation of a special purpose account for retaining park revenues (i.e. fees, licenses, permits and rentals). In addition, a "board

of directors" is to be appointed to advise the Minister of Natural Resources on the management and operation of the provincial parks system. It is to include representatives from the environmental, tourism, business, finance and education sectors.

The overall goal of the "Ontario Parks" program is to increase cost recovery on operating and capital expenditures from the present 45% to 70% over a five year period, with an increase in revenues from \$15 million to \$20 million. The long-term objective is to increase the financial self-reliance of the provincial parks system, and to operate the system "more like a business." The contracting out of services within provincial parks, such as road and ground maintenance, garbage disposal, janitorial services and snow removal is also under consideration.

The provincial government states that "the protection of significant elements of our natural and cultural landscape" and the provision of "strong leadership in natural and cultural protection" remain important objectives of the parks program. However, there are serious concerns that the pressures to generate revenues created by the emphasis on financial self-reliance will result in the intensified use of parks, or the introduction of inappropriate commercial activities. There are also concerns about the quality of management, and ultimate fate of major wilderness parks, such as Quetico, or Lake Superior, which are unlikely to ever be able to operate on a cost recovery basis.

Bill 36 Amendments to the Provincial Parks Act

Amendments to the *Provincial Parks Act* to implement these changes were introduced by the Minister of Natural Resources on April 3, 1996 as part of Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act*. Specifically, the amendments permit parks management to enter into agreements with private partners, permit the Minister of Natural Resources, rather than the Lieutenant-Governor in Council, to set fees and charges related to the operation of provincial parks. In addition, the Bill would dedicate all revenues generated by the parks system to the operation of provincial parks. Finally, the amendments would permit the Minister of Natural Resources to authorize "any person" take on duties or powers that may be required to ensure the operation of a provincial park.

Temagami Land Use Plan

On November 17, 1995, the Ontario Court, General Division, lifted the caution imposed in 1984 on the land titles for 110 townships as a result of a aboriginal land claim. At the time, the Attorney-General stated that the government was "committed to the orderly re-opening of the land" for forestry and mining operations. A land use proposal for the area was submitted to the government by the Temagami Comprehensive Planning Council in March 1996. The Council recommended that 56% of the area's old-growth red and white pine forests be opened for logging and that "the majority of the land base must be kept open for exploration and mineral development." In response to the Council's report, the Minister of Natural Resources stated that, while acknowledging environmental concerns, the government wanted to "move as quickly as possible" to allow for increased logging and mining in the area.

The Next Steps

The government's anticipated next steps include the appointment of "boards of directors " for the fish and game management fund and "Ontario Parks." In addition, the government may begin the process of "partnering" the operation of provincial parks targetted to be "no longer operated by the MNR" and the development and implementation of "business plans" for other parks to increase revenue generation and cost recovery once the Bill 36 amendments to the *Provincial Parks Act* are adopted by the Legislature.

Chronology of Changes to Wildlife, Wilderness & Parks Policies and Regulations

Aug '95 The MNR releases a proposed land use plan for the Temagami Region which would open virtually all of the lands outside of provincial parks to mining, forestry, and

other forms of development.

Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. These reductions are in addition to those made in July. Reductions to the Ministry of Natural Resources:

- park staff reductions \$0.06 M in 1995-96 and 1996-97; more reductions announced on April 11, 1996

Nov 17/95 Cautions placed on land titles in Temagami Area lifted.

Nov '95 The Minister of Natural Resources dispatches correspondence to Federal Environment Minister opposing the time line for the phase-out of lead shot for water fowl hunting.

Jan 5/96 "Temagami Area Draft Land Use Proposal" placed on EBR Registry. The Comprehensive Planning Council will submit its recommendations to the MNR on Mar 1, 1996.

Jan 29/96 Bill 26, the *Government Savings and Restructuring Act* enacted by the Ontario legislature. Bill amends the *Game and Fish Act* to permit the creation of an account separate from the consolidated revenue fund to manage monies collected from fees and licenses; expenditures at Minister's discretion;

Feb 23/96 Minister of Natural Resources makes a number of fish and game policy announcements:

- MNR is seeking delay in implementation of federal lead shot ban;
- two fishing rods per angler now effective on Lake Erie; and
- pursue changes to allow the hunting of migratory birds with raptors.

April 3/96 Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act* introduced. The Bill includes amendments to the *Game and Fish Act* and the *Provincial Parks Act*.

Apr 11/96 Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on the protection of wilderness:

- streamline forest management to reduce budget by \$34.6 M in 1996-97 and \$45.9 M in 1997-98;
- reduce park financing \$9.1 M in 1996-97 and again in 1997-98;
- consolidate or close 60 of the Province's 251 parks to save \$5.1 M in 1996-97 and again in 1997-98;
- wind down the Temagami Comprehensive Planning Council to save \$0.3 M in 1996-97 and again in 1997-98;

Apr 17/96 Temagami Comprehensive Planning Council Report Released.

Apr 28/96 Lease on Serpent Mounds Provincial Park expires. Province does not attempt to extend.

Apr 31/96 World Wildlife Fund Canada issues the Province of Ontario an "F" in its Endangered Spaces Campaign (an effort which seeks to protect ecologically significant areas in the province).

May 1/96 Ontario Parks announcement: the creation of an agency to: "improve the delivery of programs and services in key parks to increase revenues and, in turn, sustain other parks."

TRANSPORTATION

Introduction

To date, the current Government of Ontario has, through its actions, indicated a preference for supporting some forms of transport (personal vehicle and highway-based modes) ahead of other forms such as public transit. Additionally, the land use planning requirements intended to promote urban intensification and reduce urban sprawl, implemented by the previous government in response to the recommendations of Commission on Planning and Development Reform in Ontario, have been eliminated (low density urban sprawl is typically very difficult and costly to service with public transit).

More positively from the perspective of curtailing urban sprawl, there have been significant reductions in provincial funding for highways and municipal road building. However, the province is continuing to provide major funding to a number of environmentally destructive highway projects, including the Red Hill Creek Expressway in Hamilton, and some funding for highway and road construction was restored in the government's May 1996 budget.

Public Transit Funding Reductions

Provincial support for public transit has been significantly affected by the "Common Sense Revolution." Operating subsidies for GO transit services are to be reduced by \$20 million/yr by the 1997/98 fiscal year. In addition, the capital expansion program for GO Transit has been cancelled. Reductions in municipal transit operating subsidies of \$16 million have been announced for the 1995/96 and 1996/97 fiscal years. The province has also withdrawn its financial support for the proposed Eglinton Avenue subway line in Toronto (\$42 million).

Bill 20 - The *Land Use Planning and Protection Act*, and the Provincial Policy Statement

As noted earlier, *The Land Use Planning and Protection Act* and its accompanying provincial policy statement have been eliminated through the enactment of Bill 20. The content of the *Act* and policy statement were largely developed from recommendations of the Commission on Planning and Development Reform in Ontario. The *Act* and policy statement was an initiative of the previous government. Together, they would have implemented land use planning requirements intended to promote urban intensification and reduce urban sprawl. If urban landforms continue to expand at the residential and population density of current typical developments, then servicing these areas with transit is likely to be unfeasible. The expansion of such landform will discourage modes of

transport which have the ability to be more energy efficient and less energy intensive.

Highway and Municipal Road Funding Reductions

More positively, there have been significant reductions in provincial funding for highways and municipal road building. These are likely to have the effect of reducing urban sprawl by eliminating provincial subsidies for the road infrastructure necessary for urban expansion. In April 1996, it was announced that funding for provincial highway infrastructure is to be reduced by \$70.5 million/yr by 1997/98. The remaining funding is to be focused on the maintenance of existing infrastructure, rather than expansion. In addition, a reduction of \$74 million was announced in municipal road funding in the Minister of Finance's July 21, 1995 Economic Statement, although all provincial grants to municipalities were subsequently consolidated into an unconditional grant program; hence the target of this reduction at the municipal level may vary.

A reduction to the Northern Highways program was also announced in October 1995 (\$9.75 million). The elimination of provincial funding for the Sultan Road near Chapleau (\$7 million) and the Northern Ontario Resources Transportation Program (\$3.2 million) were announced as well.

The province is continuing to provide major funding to a number of environmentally destructive highway projects, including \$100 million for the Red Hill Creek Expressway in Hamilton. In addition, in its May 1996 budget the government restored some funding for provincial highways and municipal roads, notably \$100 million for provincial highway repair, and an additional \$40 million for Northern Road repair.

Highway Operational Changes

One of the swiftest acts of compliance with the "Common Sense Revolution" platform on the part of the Ontario government was the abolition of the photo radar highway speed control system on July 5, 1995. The system had been in place for less than a year and was credited with helping to maintain the province's speed limits by some policing agencies. Its abolition was coupled with suggestions by the Minister of Transportation that the speed limits on Ontario's 400 series highways be raised from 100 kmh to 120 kmh. This would be of concern for both transportation safety and air quality reasons. In terms of energy use and hence air emissions, for example, a standard vehicle is far more energy-intensive at velocities above 100 kmh than between 80 kmh and 100 kmh.

The Ontario government announced in May of 1996 an increase in minimum and maximum fines for transport trucks which are operating at increased loads or in poor maintenance as well as increased inspection and enforcement activities. This initiative may help reduce the likelihood of spills of hazardous materials and environmental contaminants.

The Next Steps

The Ministry of Transportation's Business Plan of May 1996 identifies some important goals to achieve such as improving transportation safety but makes no mention of goals such as making Ontario's transportation system more energy efficient, less emission intensive or less land intensive. It does however state that it intends to increase funding to the municipal transit network in the 1996-97 fiscal year.

A logical next step for the transportation system in Ontario would be to follow through with the recommendations which the Minister of Environment and Energy endorsed at the October 1995 meeting of the Canadian Council of Minister of Environments. These recommendations included actions to improve fuel efficiency, implementing vehicle inspection and maintenance programs and cleaner standards for gasoline. To date, no timetable or initiatives for complying with this endorsement have been announced by the MoEE.

Chronology of Changes to Transportation Policies and Regulations

Jun '95 Toronto subway expansion temporarily halted. The Province retracts funding for Eglinton Avenue Line but maintains support to the Sheppard Line. Metro Toronto uncertain about its ability to finance even this line in the face of other fiscal restraints.

Jul 5/95 Photo radar system of highway speed control abolished.

Jul 21/95 Government-wide ministry spending reductions released by the Minister of Finance. Cuts are to capital and operating budgets for the 1995-96 fiscal year:

- municipal road budget cut by \$74 M;
- GTA rapid transit budget cut \$42 M;
- provincial highway and other MTO initiatives \$69 M;
- reduce GO Transit grant \$15 M.

Aug 29/95 Transport Minister announces that the MTO will defer the development of new GO Transit commuter rail services.

Oct 6/95 Reductions to the Ministry of Transportation for the 1995-96 and 1996-97 fiscal years:

- municipal transit operating subsidies \$16 M;
- GO Transit operating subsidy \$3.8 M;
- service, staff, board and program reduction \$19.6 M.

Oct 24/95 Ontario Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient and alternate fuel

vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.

Nov 30/95 Five year, \$100 million funding announced for the Red Hill Creek Expressway in Hamilton-Wentworth.

Dec 8/95 Funding announced for the completion of Highway 416 between Ottawa and Highway 401.

May 7/96 The Conservative government announces in its first budget, that it will restore some of the previously eliminated funding for highways and roads, and the Northern highway program.

May '96 Ministry of Transportation announces an increase in minimum and maximum fines for transport trucks which are operating at increased loads or in poor maintenance as well as increased inspection and enforcement activities. This initiative may help reduce the likelihood of spills of hazardous materials and environmental contaminants.

Introduction

Despite out-dated and inadequate air pollution regulations, significant initiatives to improve protection of the environment and human health from air pollution seem unlikely. In fact, what regulations exist seem likely to be weakened or repealed as a result of the Red Tape Review Commission process. The Minister of Environment and Energy has endorsed new national vehicle emission standards and a National Action Plan on greenhouse gas emissions, but has undertaken no significant initiatives in the province on these issues.

Bill 57 Amendments to the *Environmental Protection Act*

On June 3, 1996, the Minister of Environment and Energy introduced Bill 57, the *Environmental Approvals Improvements Act*. The Bill would amend Section 9 of the *Environmental Protection Act* to permit the making of regulations that will allow the exemption of specified types of proposals from the approval requirements of the Act. The amendments would also permit requirements and conditions for approvals to be specified in the relevant regulations.

Currently all potential point sources of air emissions require approval under Section 9 of the *Environmental Protection Act*. In her remarks accompanying the introduction of Bill 57 the Minister of Environment and Energy indicated the Ministry's intention to eliminate 30% of the current approvals requirements. In particular, the Minister cited automotive paint shops as a sector which may be exempted from environmental approval requirements.

These proposals must give rise to serious concerns regarding given the weakness of the province's existing air emission standards, the potential cumulative impact of small sources of emissions and the implied withdrawal of oversight and technical support to small and medium-sized businesses. In addition the legal status of approvals granted through the type of "permit by rule" system which could be implemented through these amendments remains unclear.

The Next Steps

It is unclear if the government intends to enact Bill 57 before the Legislature rises for the summer.

Chronology of Changes to Air Related Policies and

Regulations

Sep 8/95 Minister of Municipal Affairs disallows City of Toronto anti-idling by-law. The by-law was intended to curb smog by reducing emissions from vehicles at rest.

Oct 24/95 Ontario Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient / alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.

Nov 20/95 Minister of Environment and Energy endorses National Action Plan and Voluntary Challenge Registry (the federal government's approach to greenhouse gas reduction) at a meeting of Canada's environment and energy ministers.

June 3/96 Introduction of Bill 57, the *Environmental Approvals Improvement Act*.

PESTICIDES

In December 1995, the MoEE released proposed changes to the *Pesticides Act*. Under the proposed amendments, operators of pest control businesses would no longer be required to write an examination to obtain an operator's licence. However, operators would be required to hold an exterminator's licence or employ a licensed exterminator to perform or supervise each extermination. In addition, the number of pesticide licences would be reduced from ten to five, and the range of products permitted to be used in the new licence categories is to be broadened.

ENVIRONMENTAL RESEARCH / EDUCATION

Introduction

Many programs related to environmental and natural resources research and education were reduced in scope or funding during the first year of the "Common Sense Revolution." Indeed, most of these programs within the Ministries of the Environment and Energy, and of Natural Resources are targeted for major reductions or elimination.

Ministry of Environment and Energy

The environmental research program and public education grants program are to be eliminated within the Ministry of Environment and Energy. Programs providing public education on waste diversion and energy efficiency are also being eliminated.

Ministry of Natural Resources

The reductions for environmental and natural resources research and monitoring are especially serious within the Ministry of Natural Resources. There are to be major reductions in provincial oversight, research and monitoring with respect to forests, reductions in natural resources data acquisition and management (\$6.5 million by 1997/98) and major reductions in resource management staff (\$18.1 million by 1997/98). Nine hundred front-line MNR natural resources management staff were laid off on May 16, 1996. These steps have major long-term implications for Ontarians' understanding of the state and health of their environment. It will also make it difficult, if not impossible, to track the actual impact of the government's initiatives on Ontario's environment and natural resources.

Chronology of Changes to Environmental Research and Education

Oct 6/95 Government-wide operating budget reductions released by the Office of the Premier. Effect on the Ministry of Environment and Energy:

- reduce environmental research grants \$1.0 M in 1995-96 and 1996-97;

Reductions to Ministry of Natural Resources:

- science, management, Great Lakes, aboriginal and field programs \$10.2 M in each of 1995-96 and 1996-97;

Dec 1/95 The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year. Programs terminated:

- environmental research and public education \$2.3 M;

April 11/96 MNR Business Plan released. Cuts by 1997/98 include:

- Streamlined Data Acquisition and Management \$6.5 M;
- Reduced Resource Management Staffing \$18.1 M; and
- Streamlined Forest Management Activity \$45.9 M.

SUMMARY & CONCLUSIONS

The June 1995 election has emerged as a critical watershed in environmental protection in the province of Ontario. Over the past year the government of Ontario has taken a series of legislative, regulatory, policy and budgetary initiatives which have affected virtually every aspect of environmental protection, land-use planning and natural resources management in the province.

Sweeping changes to the land-use planning regime have been introduced through the *Government Savings and Restructuring Act, 1996* (Bill 26) and the *Land Use Planning and Protection Act, 1996* (Bill 20). Bill 20 and its accompanying new provincial planning policy statement reversed many of the reforms contained in March 1995 amendments to the *Planning Act* and the series of provincial policy statements issued by the previous government. In particular, the protection of environmentally significant areas and prime agricultural lands has been significantly weakened. In addition, the Ministries of Natural Resources and of Environment and Energy are withdrawing from most of their functions related to land-use planning.

Furthermore, many of the statutory controls on activities on Crown lands, and in relation to "improvements" to lakes and rivers, seem likely to be removed through the implementation of the Bill 26 amendments to the *Public Lands Act* and the *Lakes and Rivers Improvements Act*. The developments with respect to land use planning development and control are particularly problematic, as much of the resulting damage is likely to be irreversible. Wetlands, woodlots and prime agricultural lands, for example, cannot be restored once have been converted to urban uses. Similarly it may be difficult to curtail unregulated activities on Crown land once they are established.

Dramatic reductions in opportunities for public participation in environmental decision-making have been central features of the "Common Sense Revolution" as well. These include the expiry of the *Intervenor Funding Project Act*, reductions in opportunities for public participation in the land use planning process through the Bill 20 amendments to the *Planning Act*, the permanent exemption of the Ministry of Finance from the *Environmental Bill of Rights*, and the exemption of measures related to "financial restructuring" from the *Environmental Bill of Rights* for a period of ten months. The exemptions from the *Environmental Bill of Rights* prompted the Environmental Commissioner for Ontario to make a special report to the Ontario Legislature, highly critical of the government's action, in January 1996.

In addition, through Bill 26 the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* were amended to

make it easier for governments to reject freedom of information requests. The government has also dissolved a number of expert and multi-stakeholder advisory committees, including the Advisory Committee on Environmental Standards, the Environmental Assessment Advisory Committee, the MISA Advisory Committee, and the Ontario Round Table on Environment and Economy. These bodies have been unofficially replaced by an Advisory Council on Environmental Policy, which has ties to the Progressive Conservative Party of Ontario.

The impact of the reductions in the budgets, capacities and roles of the Ministries of Environment and Energy and of Natural Resources, the province's lead agencies with respect to environmental protection and natural resources management, is likely to be enormous. The Ministry of Environment and Energy's budget is to be reduced by 37% (\$200 million) from the 1994/95 base year by 1997/98. Virtually all of its programs related to waste diversion, energy efficiency, environmental technology development and diffusion, environmental research and education, environmental remediation, land-use planning and community action have been eliminated. More than 30% of the Ministry's staff are to be laid-off, seriously weakening its ability to develop and enforce environmental standards.

In addition, the previous government's ban on new municipal solid waste incineration facilities has been repealed, exemptions from environmental liability granted to lenders, and the confidentiality of industry self-initiated environmental audits strengthened. There also appears to be a significant decline in the Ministry of Environment and Energy's environmental law enforcement efforts.

The situation with respect to the Ministry of Natural Resources is even more dramatic. The Ministry's budget is to be reduced by \$137 million by 1997/98, a 26% cut against actual 1994/95 expenditures, and more than 40% of the Ministry's staff are to be laid off. Most controls on activities on public lands are to be removed, and self-monitoring and compliance systems established for the forestry, aggregates, petroleum and brine industries.

In addition, the provincial parks system is to focus on cost-recovery and revenue generation. 27 parks are scheduled to be "no-longer operated by MNR" or "partnered" with outside agencies. Wildlife management seems likely to be increasingly focused on sport game and fish species. Furthermore, provincial support to conservation authorities has been significantly reduced. The dissolution of authorities and the sale of their lands has been facilitated through the Bill 26 amendments to the *Conservation Authorities Act*. The developments with respect to parks, wildlife and wilderness management earned the Ontario government its first ever "F" grade in the April 1996 annual report of the World Wildlife Fund's Endangered Spaces Campaign.

Elsewhere, the mine closure and remediation provisions of the *Mining Act* have been substantially weakened through Bill 26, and funding for the Ministry of Northern Development and Mines' mine closure and remediation program has been virtually eliminated. In addition, the province has granted exemptions from environmental liability

under the *Environmental Protection Act* to prospectors. Major cuts have also occurred to operating support for public transit services from the Ministry of Transportation.

As sweeping as these changes have been, they may be only the beginning. The Ministry of Environment and Energy is engaged in major "reviews" of its waste management approvals and environmental assessment processes. The role of the Niagara Escarpment Commission is also under review. More broadly, the Red Tape Review Commission is mandated to review all of the province's regulations by the end of 1996 and environmental regulations are a major target of its work. Ensuring protection of the environment and the environmentally sustainable management of the province's natural resources are conspicuously absent from the Commission's terms of reference. A second commission has been established to review the roles and functions of the province's agencies, boards and commissions, including the Ontario Clean Water Agency, Environmental Appeal Board, Environmental Assessment Board, Niagara Escarpment Commission, and Ontario Energy Board.

It should be recognized that some of the province's funding reductions may have positive environmental effects. However, this outcome appears to be more by accident than by design. The reductions in funding for municipal sewer and water infrastructure through the elimination of the Municipal Assistance Plan of the Ontario Clean Water Agency, and the reductions in highway and municipal road funding by the Ministry of Transportation may have the effect of reducing urban sprawl through the elimination of provincial subsidies for the infrastructure needed to facilitate new urban growth. However, some highway and municipal road funding was restored in the May 1996 budget, and the elimination of the prematurity test in the land-use planning process may counteract the effect of the removal of subsidies for sewer and water infrastructure expansion. In addition, the province has continued funding for a number of particularly destructive projects, including the Red Hill Creek Expressway in Hamilton.

In fact, if current trends continue, what seems likely to be left of the province's environmental protection functions will be a permitting regime for direct discharges of pollutants to air and water, and for the approval of waste disposal sites. This will be, at best, a return to the situation which existed in 1971 at the time of the creation of the Ministry of the Environment and the passage of the *Environmental Protection Act*. Even in these basic, "core" areas, it is clear from the introduction of Bill 57 (the *Environmental Approvals Improvement Act*) that permit-by-rule and voluntary, "self-regulation" systems are under consideration. Under such structures, the Ministry may continue to set nominal standards. However, its capacity to ensure compliance will be severely diminished if not eliminated.

With respect to land use, the effective result of the province's actions seems likely to be an almost unrestricted development regime on public and private lands throughout the province. This would effectively return Ontario to the situation which existed prior to the creation of the Conservation Authorities in 1946.

The changes with respect to natural resources management are also going to be

dramatic. It appears that the management of sport game and fish is the only areas in which the Ministry of Natural Resources intends to remain fully involved. Effective responsibility for the management of the province's public forests, non-renewable natural resources and many of its parks are to be largely transferred to the private sector.

The government appears, on the whole, to regard the protection of the environment and the sustainable management of natural resources as "barriers to growth" which must be dispensed with. This is a vision which is likely to impose heavy costs on present and future generations of Ontarians, and which provides little chance of enhancing the environmental sustainability of Ontario's economy and society.

Conclusions

Environmental and natural resources management and land use planning and control in the Province of Ontario have undergone an enormous transformation over the past twelve months. The province has reversed the trend, extending over the past half-century of gradually strengthening the protection of Ontario's environment and the conservation of its natural resources. Instead, there appears to be an abandonment of any commitment to long-term environmental planning, ecosystem-based environmental management, and perhaps even to the core principle of environmental sustainability itself. The long-term consequences of this direction for present and future generations of Ontarians are likely to be serious, and in many cases, irreversible.

ENDNOTES

i..The Common Sense Revolution (Toronto: Progressive Conservative Party of

Ontario, May 1994) pg. 14.

ii..The Project for Environmental Priorities, Election '95/Backgrounder - Highlights of PEP Poll Results (Guelph: Ontario Environment Network, May 1995).

iii..The Project for Environmental Priorities, Election 95 - Responses to the Questionnaire (NDP, PC's and Liberals), pg.9.

iv..On Ontario environmental politics and policy in the Davis period See M.Winfield, The Ultimate Horizontal Issue: Environmental Politics and Policy in Alberta and Ontario 1981-1992 (Toronto: Ph.D. Thesis, Department of Political Science, University of Toronto, 1992), Chapter III.

v..Ibid, Ch. II, III, and IV.

vi..Terms of Reference: Red Tape Review Commission, January 29, 1996.

vii..Alberta Regulatory Reform Task Force, Alberta Regulatory Reform: Improving the Alberta Advantage/Workplan (Edmonton: August 1995).

viii..See the Hon. C. Wells, Premier, House of Assembly Proceedings, November 6, 1995, pg. 1747.

ix..Ibid. Also personal communication, Dr. Douglas Galt, Parliamentary Secretary to the Minister of the Environment, May 6, 1996.

x..Submissions to the MoEE regulatory review process are available in an "open file" at the offices of the Ministry at 135 St. Clair Ave. W. in Toronto.

xi..M. Mittelstaedt, "Ontario eases rules on pollution," The Globe and Mail, June 4, 1996.

xii..Consideration should be given to the impact of the month-long Ontario Public Service Employees Union (OPSEU) strike on the Ministry's enforcement efforts in the first third of 1996.

xiii..Correspondence, Bob Wood, MPP, Parliamentary Secretary to the Chair of the Management Board Secretariat and Chair of the Agencies, Boards and Commissions review commission, May 17, 1996.

xiv..The Hon. D. Johnson, Chair, Management Board of Cabinet, "Statement to the House on the Progress of the Work of the Government Task Force on Agencies Boards and Commissions," May 29, 1995.

xv..For a detailed discussion of the impact of Bill 20 see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).

xvi..Ibid.

xvii..The MNR has reduced its budget for participation in land-use planning activities by \$3.2 million/yr in its April 11, 1996 Business Plan. The Ministry of Environment and Energy announced a reduction of \$680,000/yr in spending in this area on October 6, 1996.

xviii..For a detailed discussion of the new Provincial Policy Statement see letter from K. Cooper, Researcher, Canadian Environmental Law Association, to the Hon. A. Leach, Re: Proposed Provincial Policy Statement, March 4, 1996.

xix..M. Mittelstaedt, "Ontario starts scrutiny of power shift," The Globe and Mail, December 18, 1995.

xx..Interim Report on Business Planning and Cost Savings Measures (Toronto: Management Board Secretariat, April 11, 1996), Ministry of Natural Resources, pg.3. MNR officials have privately indicated that, for example, permits will no longer be required for road construction, except where road cross streams or rivers.

xxi..For a detailed description of the impact of the Bill 26 Amendments see M.Winfield and G. Jenish, Brief to the Standing Committee on General Government Regarding Bill 26, the Savings and Restructuring Act, 1995 (Toronto: Canadian Institute for Environmental Law and Policy, 1995).

xxii..1994/95 operating grants were \$17,628,600.

xxiii..Personal Communication, James Anderson, Executive Director, Association of Conservation Authorities of Ontario, May 2, 1996.

xxiv..Winfield and Jenish, Brief to the Standing Committee on General

Government Regarding Bill 26.

xxv..S.Leahy, "Poverty tarnishes paradise," The Toronto Star, March 16, 1996.

xxvi..Ibid.

xxvii..On this issue see, for example, M.Taylor, "Omnibus Bill Allows Sale of CA Lands,"

Seasons, Spring 1996.

24.Action Alert "Harris Government to Dismantle Niagara Escarpment Protection!" Canadian Environmental Law Association and Coalition on the Niagara Escarpment, May 1996.

xxix..Ibid.

xxx..The Farm Practices Protection Act: Consultation Paper on the Role of the Farm Practices Protection Board (Toronto: Ontario Ministry of Agriculture, Food and Rural Affairs, February 1996).

xxxi..Ministry of Environment and Energy EBR Registry Notice, Expiry of Intervenor Funding Act , April 1, 1996.

xxxii..M. Mittelstaedt, "Environmental intervenor funds cut off by Ontario," The Globe and Mail, April 1, 1996.

xxxiii..Willms and Shier Environmental Law FaxFlash March 1996.

xxxiv..See Ontario Regulation 482/95 and the Environmental Bill of Rights: A Special Report to the Legislative Assembly of Ontario (Toronto: Environmental Commissioner of Ontario, January 17, 1996).

xxxv..Correspondence from the Hon. B. Elliot, Ontario Minister of Environment and Energy, to Anne Mitchell, Executive Director, Canadian Institute for Environmental Law and Policy, May 6, 1996.

xxxvi..Personal Communication, Randy Pickering, Ontario Ministry of Natural Resources, to Cathy Taylor, EBR Registry Resource Person, Ontario Environment Network , June 3, 1996.

xxxvii.."Environment and Energy Minister sunsets three committees," News Release, September 29, 1996.

xxxviii.."The Policy Advisory Council on Environment," Hazardous Materials Management April/May 1996.

xxxix..Ibid.

xl..For a detailed discussion of these amendments see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20, pp. 11-12.

xli..The Board's 1994/95 allocation was \$5.5356 million.

xlii..See, for example, the comments of Isobel Heathcote, Associate Professor, and Director, Institute of Environmental Policy, University of Guelph, and former Chair of the MISA Advisory Committee, to Rosemary Hiller, Program Development Branch, Ministry of Environment and Energy, November 6, 1995.

xliii..See, for example, the Submissions of the Ontario Mining Association, the Canadian Chemicals Producers Association, and Algoma Steel Ltd., to the Ontario Ministry of Environment and Energy Regulatory Review.

xliv..Personal Communication, Peter Rupcic, Communications Officer, Clean Water Agency, May 2, 1996.

xlv..See, for example, T. Corcoran, "The Perils of Water Privatization," The Globe and Mail, April 27, 1996.

xlvi..1996 Ontario Budget: Budget Papers (Toronto: Ontario Ministry of Finance, May 1996), p. 112.

xlvii..See, for example, J.Barber, "Shortage of sprawl funds a boon for cities," The Globe and Mail, May 1, 1996.

xlviii..EBR Registry Notice: An Act to Improve the Efficiency of the Environmental Approvals Process and Certain Other Matters, June 3, 1996. On environmental issues related to agricultural drains see J. Swaigen and M.Winfield, "Water" in D.Estrin and J.Swaigen, eds., Environment on Trial: A Guide to Ontario Environmental Law and Policy (3rd. ed.) (Toronto: Emond-Montgomery Publishers and Canadian Institute for Environmental Law and Policy, 1993), pp.564-566.

xlx..The Commission on Planning and Development Reform in Ontario described the issue of pollution from septic systems as a "sleeping giant." See New Planning News, Vol. 1., No.3, December 1991.

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lii..See, for example, the submission of the Pharmaceutical Manufacturers Association of Canada.

liii..Regulation 340.

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lxiv..The State of Canada's Environment (Ottawa: Minister of Supply and Services, 1991), pg.11-16.

lxv..Robinson, "Ontario to shut mine closing arm."

lxvi..Tom Spears, "Waste clean-up will need \$3 billion and 20 years," Ottawa Citizen, October 25, 1990.

lxvii..An Act to Amend the Mining Act (Bill 71), 1989.

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lxxii..1996 Ontario Budget: Budget Papers, pp.19-20.

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lxxviii..Self-Monitoring Program Under the Aggregate Resources Act in Partnership with the Aggregate Producers Association of Ontario: Undated Report (Toronto: Non-Renewable Resources Section, Ministry of Natural Resources, March 1996), p.1

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lxxxiii..Ministry of Natural Resources "Questions and Answers to the Restructuring Announcement," April 1996, pg. 6.

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lxxxvi..Endangered Spaces Program Progress Report 95-96/Number 6 (Toronto: World Wildlife Fund Canada 1996).

lxxxvii..See, for example, Taylor, "Omnibus Bill Allows Sale of CA Land."

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Appendix 1

Review of Initiatives affecting Ontario's Environment (chronologically)

Chronology of Initiatives of the Ontario Government affecting Ontario's Environment

The following items detail changes brought about by the provincial government since June 8, 1995 in straight chronological order (without subject organization).

<u>Date</u>	<u>Initiative</u>
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Jun 8/95-The Progressive Conservatives received their mandate on this day.

Jun '95 ·Toronto subway expansion temporarily halted. The Province retracts funding for Eglinton Avenue Line but maintains support to the Sheppard Line. Metro Toronto uncertain about its ability to finance even this line in the face of other fiscal restraints.

Jul 5/95 ·Photo radar system of highway speed control abolished.

Jul 5/95 ·Ontario Government announces the dismantlement of the Interim Waste Authority. Responsibility for waste management is returned to the GTA municipalities. Province to assume only standard setting and site regulation in future.

Jul 13/95-Agriculture Minister announces the province will be withdrawing funding for an agricultural land trust to protect the Niagara Fruit Belt from urban development.

Jul 21/95 ·Government-wide ministry spending reductions released by the Minister of Finance. Cuts are to capital and operating budgets:

Operating

*Freeze MoEE direct assistance to business to save \$3 M;

*Niagara Tender Fruit Lands \$15 M over coming decade;

Capital

*municipal road budget cut by \$74 M;

*GTA rapid transit budget cut \$42 M;

*provincial highway and other MTO initiatives \$69 M;

*reduce GO Transit grant \$15 M;

*provincial portion of Canada-Ontario Infrastructure Works cut by \$73 M;

Also, the Minister announces value-for-money audits of Ontario Bus Industries and Toronto's Ataratiri land reclamation project.

Jul 26/95-Minister of Environment and Energy opens the hourly electricity market to spot market electricity sales on experimental basis.

Jul 31/95 · Ontario government formally posts its proposal to repeal the ban on new municipal solid waste incinerators on the *Environmental Bill of Rights* environmental registry. Proposal includes new emission standards for incinerators.

*Ontario Government proposes exemption order under the *Environmental Assessment Act* which would effectively *require* many municipalities to consider incineration as an alternative.

Aug 19/95 ·Ontario Northland Transportation Commission given approval to actively plan for use of Kirkland Lake abandoned mine for waste disposal.

Aug '95-Ministry of Natural Resources releases a proposed land use plan for the Temagami Region which would open virtually all of the lands outside of provincial parks to mining, forestry, and other forms of development.

Aug 29/95-Transport Minister announces that the MTO will defer the development of new GO Transit commuter rail services.

Aug 31/95-The wrap-up of the Ontario Waste Management Corporation. Responsibility for hazardous waste management assigned to the private sector instead of seeking a public sector solution. Savings detailed in Premier's Statement of October 6/95.

Sep 7-15/95-Four separate approvals for a waste disposal site were issued on either an emergency basis, or that delay in approval may cause greater environmental harm, or that approval would provide time to study alternatives. All but one was explicitly excepted from public comment.

Sep 8/95 -Minister of Municipal Affairs disallows City of Toronto anti-idling by-law. The by-law was intended to curb smog by reducing emissions from vehicles at rest.

Sep 12/95 -The Ontario Round Table on Environment and Economy is disbanded. Office closed on November 17/95. ORTEE's mandate was the establishment of a sustainability strategy for Ontario.

Sep 26/95 -Amendments proposed on the EBR to revise MISA Regulation 537/93 which deals with effluent limits for the petroleum sector. Intent of revision is to make original regulation "more efficient, effective, flexible and fair."

·Numerous other amendments to the Effluent Monitoring and Effluent Limits regulations posted on the EBR Registry:

- *organic and inorganic chemical sectors to conduct toxicity testing of cooling water;
- *metal mining sector to receive regulatory exemption for closed and abandoned sites;
- *certain pulp and paper Sector AOX limits may be relaxed or raised.

Sep 27/95 -Throne speech includes indication that:

- * reduced spending/deficit reduction will be priorities;
- * transfer payments will be lowered;
- * government will be restructured;
- * land use legislation will be changed; and

*the Ontario government intends to conduct two major reviews that have implications for environmental protection: the 'Red Tape Review' for all of the Province's 45,000 regulations, and another for the Province's boards, agencies and commissions (for details, see section Regulatory/Policy Reviews).

Sep 29/95 -Environment and Energy Minister Brenda Elliott announced the termination of three committees: the Advisory Committee on Environmental Standards; the Environmental Assessment Advisory Committee and the Municipal Industrial Strategy for Abatement Advisory Committee. The committees, in brief, performed the following functions:

- * MISA: advised on pollutant limits in industrial waste water.
- * EAAC: forum to comment on the EAA's rules and application to specific projects.
 - * ACES: specific contaminant guideline establishment e.g. tritium.

Sep '95-MoEE creates a committee called the Policy Advisory Council on Environment. The stakeholder committee will represent various stakeholder interests and advise the Minister on policy matters. The committee may hold some informal roundtable sessions and consultations.

Oct 2/95-A proposal for a new streamlined pesticide licensing system announced by Minister of Environment and Energy. Licenses would be reduced from the current 53 to 15 and re-certification requirements would be created for certified growers.

Oct 3/95-Minister of Environment and Energy announces that a 5-year rate freeze is being instituted at Ontario Hydro.

Oct 6/95 -Government-wide operating budget reductions released by the Office of the Premier. These reductions are in addition to those made in July. The Ministry of Environment and Energy had its operating budget reduced by \$14.9 M in each of the years 1995-96 and 1996-97. The 1996-97 cutbacks are part of, but not the final and total. Programs, boards and committees affected:

- * reduce environmental research grants (\$1.0 M);
- * reduce environmental monitoring, testing and standards development (\$1.9 M);
- * downsize boards and committees (\$0.8 M);
- * reduce program administration and support (\$4.0 M);
- * redesign municipal recycling support program (\$3.22 M);
- * reduce energy conservation grants (\$0.7 M);
- * reduce conservation and planning spending (\$0.68 M);
- * reduce regional operation's program delivery (\$1.4 M);
- * redesign compensation for emergency response program (\$0.65 M);
- * elimination of ACES, EAAC, MISA advisory committees plus the OWMC as cited above (\$0.8 M).

·In the same document, the Premier's Office announces government-wide capital budget reductions. The Ministry of Environment and Energy had the following items reduced from its capital budget:

- * \$31.8 M from the Ontario Clean Water Agency.

·Reductions to Ministry of Natural Resources:

- * fire management \$0.5 M;
- * sustainable forest / timber EA program \$19.1 M;
- * nursery closures \$0.4 M;
- * park staff reductions \$0.06 M;
- * conservation authorities' operating transfer payments \$1.2 M;
- * science, management, Great Lakes, aboriginal and field programs \$10.2 M;

In total, \$31.3 M in 1995-96 and the same amount to the same programs in 1996-97.

·Reductions to the Ministry of Transportation:

- * municipal transit operating subsidies \$16 M;
- * GO Transit operating subsidy \$3.8 M;
- * service, staff, board and program reduction \$19.6 M;

In total, \$39.4 M in 1995-96 and \$36.2 M in 1996-97.

·Reductions to the Ministry of Northern Development and Mines:

- * mine-site rehabilitation program redesign \$1.3 M in 1996-97.

Oct 24/95-Ontario Minister of Environment and Energy endorses national clean air standards proposed by the Task Force on Cleaner Vehicles and Fuels. Proposal includes the promotion of: fuel efficient / alternate fuel vehicles; inspection and maintenance programs; low emission vehicles by 2001; and new fuel standards.

Oct 24/95 ·Ministry of Northern Development and Mines announces the replacement of the current mine closure review process with a self-regulating system. The onus for financial assurance and certification that a mine is properly closed will be placed on the officials of mining companies. Ministry oversight reduced.

Nov 1/95 ·Ontario Ministry of Environment and Energy announces review of all of its 78 regulations within twelve months. The MoEE states that the review will focus on streamlining, removal of duplicative purpose and easing of reporting requirements. The review is not intended to compromise environmental integrity and as a first step will not involve changes to the acts from which the regulations arise.

Nov 2/95 ·Minister of Environment and Energy announces the establishment of the Advisory Committee on Competition in Ontario's Electricity System. Mandate of the committee is to evaluate options for phasing in competition in these areas:

- * structural changes to the electrical utility industry;
- * regulatory reform to ensure a healthy, competitive environment;
- * introduction of private equity in the electric utility sector.

Nov 15/95 ·Interim report of the Golden Task Force on the Greater Toronto Area. If recommendations proceed sweeping changes could be introduced to the area's land use, services and taxation policy.

- Nov 16/95 ·Government introduces Bill 20, the *Land Use Planning and Protection Act*. The Bill would repeal recommendations of the Commission on Planning and Development Reform in Ontario. Key changes:
- * the requirement that planning decisions "be consistent with" Bill 163 will be replaced with "have regard to." In other words, the language of the Act will revert back to what it was before the reform effort;
 - * many provisions related to public participation in planning and decision-making will be diluted or repealed;
 - * loss of provincial approval functions/enhanced municipal control;
 - * many revisions to reduce urban sprawl will be removed such as the prematurity test (ensures services/utilities can manage new developments) and the permitting of house apartments.
- Nov 20/95 ·Minister of Environment and Energy endorses National Action Plan and Voluntary Challenge Registry (the federal government's approach to greenhouse gas reduction) at a meeting of Canada's environment and energy ministers.
- Exemption from the Environmental Assessment Process granted to the City of Toronto Western Beaches stormwater storage tunnel by the Minister of Environment and Energy.
- Nov 28/95 ·Advisory Committee on Competition in Ontario's Electricity System appointed.
- Nov 29/95 ·MPP Frank Sheehan appointed to chair the Red Tape Review Commission. It will review all 45,000 regulations in effect in the Province and attempt to streamline or eliminate as many as possible within 12 months.
- Ontario government announces that another committee of government will review the mandates of the Province's agencies, boards and commissions.
- Nov 29/95 ·*Ontario Regulation 482/95* promulgated. Effect is to exempt the Ministry of Finance from the Environmental Bill of Rights, and temporarily suspend specific public notice requirements for cost-cutting measures for the next ten months even if they could be environmentally significant in their impact. The Regulation itself was not posted on the EBR registry.
- Government introduces Bill 26 the *Government Savings and Restructuring Act*. This Bill would implement changes to a wide range of legislation including conservation and mining legislation.
- Nov '95·Minister of Natural Resources dispatches correspondence to Federal Environment Minister opposing the time-line for the phase-out of lead shot for water fowl hunting.
- Nov 29/95 ·An economic statement is delivered by the Finance Minister in the legislature. The statement largely consolidates the cutbacks announced to date by the government. In total, the MoEE's operating budget is reduced ~\$15 M and its capital budget by ~\$31.8 M for a total of \$46.7 M for 1995/96. Staff has been reduced by 63 members.
- Total cumulative ministry reduction for 1995-1997 is projected to be \$84 M or about 16%. Expenditure and reduction estimates are preliminary; reductions could increase over time.
- Nov 30/95 ·Five year, \$100 million funding announced for the Red Hill Creek Expressway in Hamilton-Wentworth.
- Dec 1/95 ·The Ministry of Environment and Energy announces some projected operating budget cutbacks for the 1996/97 fiscal year:
- Terminated programs
- * recycling, reduction, reuse support (\$5.6 M);
 - * household hazardous waste funding (\$0.2 M);
 - * urban and rural beach cleanup / restoration (\$8.2 M);
 - * green Communities (\$1.7 M);
 - * home green-ups (\$8.4 M);
 - * energy education, training, standards development and conservation (\$1.2 M);

* environmental research and public education (\$2.3 M);

Reduced Funding

*Niagara Escarpment Commission (\$0.7 M);

* Ontario Energy Board (\$0.5 M);

* Environmental Appeal Board (\$0.07 M);

* Environmental Compensation Corporation (\$0.05 M);

* Canadian Council of Ministers of the Environment (\$0.23 M);

*grants programs support/administrative (\$2.72 M).

Total operating and capital budget reductions for 1996/97 is \$37.3 M.

Dec '95 ·the Ministry of Environment and Energy releases proposed changes to the *Pesticides Act*. Under the proposed amendments, operators of pest control businesses would no longer be required to write an examination to obtain an operator licence. However, operators would be required to hold an exterminator's licence or employ licensed exterminators to perform or supervise each extermination. In addition, the number of pesticide licences would be reduced for ten to five, and the range of products permitted to be used in the new licence categories is to be broadened.

Dec 8/95 ·Funding announced for the completion of Highway 416 between Ottawa and Highway 401.

Dec 12/95 ·Metro Toronto and Region Conservation Authority given clearance to expropriate land in Etobicoke for a new mixed park and private housing development.

Dec 13/95 ·Province announces it will market surplus government land throughout Ontario for productive development.

·Ministry of Environment and Energy lifts ban on new municipal solid waste (MSW) incinerators.

·Minister of Environment and Energy announces a new policy governing the liability of prospectors for environmental damage. Assumption of responsibility for contamination at former industrial/mineral sites waived for new users of these sites.

Dec 18/95·Minister of Environment and Energy announces a new policy governing the liability of lenders when they assume a site with environmental damage. An exemption from environmental liability has been granted to lenders for the clean-up of sites of which they take possession. Creditors can now investigate a property in cases of insolvency without assuming liability for past environmental damage.

Dec 19/95·New guidelines are released by Minister of Environment and Energy that reinforce the confidentiality of environmental audits and place limits on government access to information contained in self-initiated environmental evaluations. The Ministry will now only seek access to such information under certain conditions such as emergencies involving serious risk and after seeking counsel.

Dec 22/95·Minister of Environment and Energy requests Ontario Energy Board to seek stakeholder input on exempting utilities from their prior OEB approval requirements. Such exemptions will allow utilities to participate in a wide range of non-regulated "Designated Business Areas." Changes could result in expansion of natural gas industry, may diminish conservation efforts and result in higher emissions of carbon dioxide.

Jan 2/96 ·A revised draft Provincial Policy Statement to accompany Bill 20 is released by Minister of Municipal Affairs. It reduces the protection for naturally significant features and prime agricultural land, and weakens policies to reduce urban sprawl and intensify development.

·A new guideline for emissions from new municipal solid waste incinerators issued by the Minister of Environment and Energy. Limits are performance-based and require continuous stack monitoring.

Jan 5/96 ·"Temagami Area Draft Land Use Proposal" placed on EBR Registry. The Comprehensive Planning Council will submit its recommendations to the MNR on March 1, 1996.

- Jan 10/96 ·Positions of five board members of Ontario Hydro revoked. The members were considered to be the strongest advocates of environmental protection on the board.
- Jan 11/96 ·The MoEE announces new guidelines on the EBR Registry: "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" will amalgamate former guidelines for sewage sludge with draft interim guidelines on the agricultural application of waste other than sewage sludge.
- Jan 19/96 ·Ontario Divisional Court Judge overturns the Environment Minister's decision of January 10, 1996 to relieve five Ontario Hydro Board members of their positions.
- Jan 26/96·Ministry of Housing releases a consultation paper entitled "Back to Basics" which focuses on streamlining and simplifying the Building Code. Key directions:
- *set only minimum standards for health and safety;
 - *reduce or eliminate energy efficiency and environmental standards from Code
 - *new provisions should be cost-effective;
 - *reduce construction costs;
 - * harmonization with National Building Code.
- Such changes would have an obvious impact on land use, urban design, greenhouse gases and atmospheric emissions.
- Jan 29/96·Bill 26, the *Governments Saving and Restructuring Act* enacted by the Ontario legislature. The Bill contained amendments to many acts. Those with the most significant environmental consequences are summarized below. Almost universally, the Bill converted many of the acts' statutory obligations to regulatory requirements as deemed / if deemed necessary by the minister responsible. Many of the changes could have significant negative economic as well as environmental consequences. Most promote resource use/extraction. Accountability to the provincial legislature is diminished. Summarized briefly are the changes to:
- * the *Forest Fire Prevention Act*: repeal fire, travel and work permit provisions;
 - * the *Lakes and Rivers Improvement Act*: reduce or eliminate permitting requirements when constructing, altering or using a dam or other water works;
 - * the *Public Lands Act*: repeal fire, travel and work permit provisions; reduces capacity of courts to order restoration;
 - *the *Acts* above have been amended in a manner which permits virtually any activity on public lands and waters unless the minister responsible has prescribed regulations to the contrary; formerly, unacceptable and permitted activities were defined by the *Acts*.
 - *the *Mining Act*: generally reduce obligations for reporting, financial assurance, mine closure, decommissioning and rehabilitation; potentially expose the public to increased environmental, health and economic costs;
 - * the *Game and Fish Act*: creation of an account separate from consolidated revenue fund to manage monies collected from fees and licenses; expenditures at Minister's discretion;
 - * the *Freedom of Information and Protection of Privacy Act*: easier to reject requests that are considered frivolous or vexatious. Information granting will become more subjective;
 - * the *Municipal Freedom of Information and Protection of Privacy Act*: easier to reject requests that are considered frivolous or vexatious. Information granting will become very subjective;
 - *Both freedom of information acts established the ability to set fees for both applying for, and retrieving information.
 - * the *Municipal Act*: easier municipal restructuring, land annexation, and service cost or user fee implementation;
 - * the *Conservation Authorities Act*: new provisions could lead to the dissolution and sale of CA lands in some cases. Limitations placed on scope of CA activities.
- Jan 29/96·Ministry of Environment and Energy releases its review of its land use planning process. If recommendations are adopted, it would create an approach consistent with Bill 20: the MoEE would shift its emphasis away from the review of site-specific applications to involvement in official plan policy formulation. Greater municipal authority would be the result in an effort to "streamline and eliminate duplication".

- Feb 5/96 ·Fees for both applying for, and retrieval of information set under freedom of information acts.
- Feb 23/96 ·Minister of Natural Resources announces a number of fish and game policy changes: MNR plans to reintroduce bobwhite quail from the US in 1996-97; elk herd restoration by reintroduction; two fishing rods per angler now effective on Lake Erie; and pursue changes to allow the hunting of migratory birds with raptors. In addition, the fish and wildlife account created by Bill 26 is announced as well as a separate foundation to receive donations from citizens for fish and wildlife management.
- Feb 26/96 ·Ontario Public Service Employees Union begins province-wide strike. Inspection, monitoring and enforcement activities of many departments affected. Most notably, water and sewage treatment operating procedures/guidelines may have been violated. Other areas may have also been affected (eg. spills, MISA reporting).
- Mar 25/96 ·Province-wide strike of Ontario Public Service Employees ends.
- Mar 26/96 ·Bill 20, the *Land Use Planning and Protection Act* passed.
- Mar 29/96 ·The Ontario Government announces on the Environmental Bill of Rights Registry that it will allow the *Intervenor Funding Project Act* to expire on April 1, 1996. Its expiration will make citizen participation in *Environmental Assessment Act*, *Ontario Energy Board* and *Consolidated Hearings Act* processes less feasible.
- Apr 1/96 ·*Intervenor Funding Project Act* expires.
- April 3/96. Introduction of Bill 36, the *Ministry of Natural Resources Statute Law Amendment Act*.
- Apr 11/96 ·Ontario government releases "Interim Report on Business Planning and Cost Savings Measures" which outlines the re-shaping of government through "new business directions" for ministries and "cost-savings measures" that the province is implementing. Each ministry is responsible for carrying out its own business plan within the financial constraints that it is assigned. Effects of this initiative on land use:
- the Ministry of Municipal Affairs and Housing will become the principal or only body to deal with land use proposals;
 - Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98;
- Effects of this initiative on water-related policies, institutions and regulations :
- The Ontario Clean Water Agency which manages municipal assistance for sewers and water treatment will have its budget reduced \$111.4 M in 1996-97 and \$142.5 M in 1997-98;
 - Conservation Authorities transfer payments will be cut \$5.4 M in 1996-97 and \$7.4 M in 1997-98.
- Effects of this initiative on forestry policy and practices and the protection of wilderness:
- streamline forest management to reduce budget by \$34.6 M in 1996-97 and \$45.9 M in 1997-98;
 - wind down the Temagami Comprehensive Planning Council to save \$0.3 M in 1996-97 and again in 1997-98;
 - reduce fire fighting operations by \$4.0 M in 1996-97 and again in 1997-98;
 - pursue changes to allow the hunting of migratory birds with raptors.
 - reduce park financing \$9.1 M in 1996-97 and again in 1997-98;
 - consolidate or close 60 of the Province's 251 parks to save \$5.1 M in 1996-97 and again in 1997-98;
- Apr 28/96 ·Lease on the Provincial Park Serpent Mounds abandoned.
- Apr 31/96·World Wildlife Fund delivers the Ontario Government an "F" in its Endangered Spaces Campaign.
- May 1,/96 ·The Ministry of Natural Resources announces a \$9.1 M reduction in provincial park funding. Twenty-seven provincial parks are to be "no longer operated by MNR" or "partnered" with outside agencies.
- May 7/96·Ontario Budget unveiled which includes the suspension of the Land Transfer Tax on the purchase of new houses; the restoration of previously-eliminated funding for road construction; Tax Provisions for

the mining industry; elimination of Grants for Mineral Development and elimination of the Ontario Mineral Incentive Program.

May 16/96 ·Ministry of Natural Resources announces that 900 positions will be eliminated including Conservation Officers, Foresters Biologists, and Fishery Technicians in primarily northern communities.

May 17/96·New Burning Guidelines Announced under Forest Fires Prevention Act. The Guidelines permit the burning of grass and leaves in areas up to 1 hectare without a permit.

May 22/96·Ontario Government introduces Bill 52 - an Act to promote resources development conservation and environmental protection through the streamlining of regulatory processes and the enhancement of compliance measures in the Aggregate and Petroleum Industries. The Bill is designed to make the aggregate and petroleum industries more self-regulating, particularly with regard to environmental standards.

Jun 3/96·The Minister of Environment and Energy tables the *Environmental Approvals Improvement Act* in the legislature. The Act is intended to alter the environmental approvals process and a variety of acts and bodies:

- * the shut-down of the Environmental Compensation Corporation;
- * the repeal of the Ontario Waste Management Corporation Act;
- * the creation of authority for the MoEE to recover administrative cost from activities such as waste generator registration and manifests, water well records and permits to take water.

Appendix 2

Budgetary Reductions to the Ontario Ministry of Environment and Energy and Ontario Ministry of Natural Resources

MINISTRY OF ENVIRONMENT AND ENERGY

1. Ministry of Environment and Energy (MoEE) 1995/96 Fiscal Year

MoEE Operating 1995-96 Budget Reductions (Announced October 6, 1995)

Reduce Environmental Research Grants		
Reduce Environmental Monitoring, Analytical Testing and Standards Development		
Downsize Boards and Committees		
Reduce Program Administration and Support		
Redesign Municipal Recycling Support Program (Blue Box)		\$3,220,000
Reduce Energy Conservation Grants		
Reduce Conservation and Planning Spending		
Reduce Regional Operations Program Delivery Spending	\$1,402,700	
Redesign Compensation for Emergency Response Program	\$650,000	
Sunset Ontario Waste Management Corporation and MAC, EAAC, and ACES		\$440,000

Total 1995/96 Operating Reduction

MoEE Capital Budget Reductions
Announced October 6, 1995

Reduce Municipal Assistance Plan (Clean Water Agency)	\$31,800,000
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Total 1995/96 Capital Reduction

Total Reductions to MoEE 1995/96 Budget

2. Ministry of Environment and Energy (MoEE) 1996/97 Fiscal Year

MoEE Operating 1996/97 Reductions
Announced November 29, 1995

Eliminate Municipal recycling, reduction, reuse support (Blue Box)	
Eliminate Municipal Landfill/waste Facility Assistance	
Eliminate Municipal Household Hazardous Waste Funding	\$200,000
Eliminate Miscellaneous Waste Grants to Municipalities	
Eliminate Urban Beaches Restoration	
Eliminate Rural Beach Clean-Up	
Eliminate Green Communities Program	
Eliminate Home Green-ups Program	
Eliminate Energy Education and Training	
Eliminate Energy Standards Development	
Eliminate Institutional, Residential and Community Energy Management Programs	
Eliminate Public Education Grants	

Eliminate Support to Non-Governmental Organizations		\$735,000
Eliminate Environmental Research Program		
Reduce Grant Programs		\$2,720,000
Reduce Support to Canadian Council of Ministers of the Environment		
Reduce Support to Environmental Compensation Corporation	\$50,000	
Reduce Support to Environmental Appeal Board		
Reduce Support to the Ontario Energy Board		
Reduce Support to the Niagara Escarpment Commission		\$700,000

Total 1996/97 Operating Reductions

MoEE Capital 1996/97 Reductions
Announced April 11, 1996

Reduce Municipal Assistance Plan
(Clean Water Agency)

Total 1996/97 Capital Reduction

Total Reduction to MoEE 1996/97 Budget **\$148,720,000**

3.Ministry of Environment and Energy 1997/98 Fiscal Year

MoEE 1997/98 Operating Budget Reductions
Announced April 11, 1996

Redesign of Evaluation and Compliance
Focusing on Core Business
Better Management **\$17,100,000**

Total 1997/98 Operating Reduction

MoEE Capital 1997/98 Budget Reductions
Announced April 11, 1996

Reduce Municipal Assistance Plan
(Clean Water Agency)

Total 1997/98 Capital Reduction

\$142,500,000

Total Reduction to MoEE 1997/98 Budget **\$200,800,000**

MINISTRY OF NATURAL RESOURCES

1. Ministry of Natural Resources 1995/96 Fiscal Year

MNR Operating Budget Reductions
Announced October 6, 1995

Reduce Fire Management	
Timber Environmental Assessment/Sustainable Forestry	\$19,039,700
Close Tree Nurseries	
Reduce Parks Ontario Staff	
Reduce operating Grants to Conservation Authorities	\$1,200,000
Reduce Aboriginal Programs	
Downsize and Re-Engineer Field Operations	
Eliminated Selected Operations Programs	
Reduction in Great Lakes Management Program	\$459,700
Reduction in Policy and Planning Activities	
Reduce Corporate Support and Management	
Reduce Science and Information Resource Activities	\$2,925,600

Total 1995/96 Operating Reduction

MNR Capital Budget Reductions
Announced October 6, 1996

Delays in Conservation Authorities Program	
Delays in Parks Program	
Airfleet Reductions	
Delays in Land Acquisition Program	
Cancel Muskoka Floor Damage Control Program	\$150,000
Delays in Forest Renewal Program	
Delays in Forest Infrastructure Program	
Defer Fire Infrastructure	
Defer Telecommunications Improvements	
Defer Water Control Programs	
Delays in Roads/Bridges Program	
Delays in Fisheries Infrastructure Programs	
Delays in Field Infrastructure Programs	

Total 1995/96 Capital Reduction

Total MNR 1995/96 Budget Reduction

2. Ministry of Natural Resources 1996/97 Fiscal Year

MNR 1996/97 Operating Budget Reductions
Announced April 11, 1996

Streamline Forest Management Activity	
Implement New Provincial Parks Business Plan	\$9,100,000
Withdrawal from Land-Use Planning	
Rationalize Provincial Parks	
Wind Down Temagami Comprehensive Planning Council	\$300,000
Streamline Data Acquisition and Management	
Reduce Air Fleet	\$700,000

- Rationalize Fire Program Bases
- Reduce Resource Management Staffing
- Reduce Regulatory Permitting
- Eliminate Game and Fish Hearing Board
- Internal Administrative Savings
- Reduce Grants to Conservation Authorities
- Eliminate Freight Equalization to Commercial Fishers
- Rationalize Minor Transfer Payments

Total 1996/97 Operating Reductions

MNR Capital 1996/97 Budget Reductions

Reductions to Parks, forest management, air fleet,
land acquisition, telecommunications and
transfers to Conservation Authorities

Total Reductions to MNR 1996/97 Budget

\$107,470

3.Ministry of Natural Resources 1997/98 Fiscal Year

MNR Operating Budget Reductions
Announced April 11, 1996

- Streamline Forest Management Activity
- Implement New Provincial Parks Business Plan
- Withdrawal from Land-Use Planning
- Rationalize Provincial Parks
- Wind Down Temagami Comprehensive Planning Council
- Streamline Data Acquisition and Management
- Reduce Air Fleet
- Rationalize Fire Program Bases
- Reduce Resource Management Staffing
- Reduce Regulatory Permitting
- Eliminate Game and Fish Hearing Board
- Internal Administrative Savings
- Reduce Grants to Conservation Authorities
- Eliminate Freight Equalization to Commercial Fishers
- Rationalize Minor Transfer Payments

\$9,100,000

\$300,000

\$1,500,000

Total 1997/98 Operating Reductions

MNR 1997/98 Capital Budget Reductions
Announced April 11, 1996

Reductions to Parks, forest management, air fleet,
land acquisition, telecommunications and
transfers to Conservation Authorities

Total Reductions to MNR 1997/98 Budget

\$137,370

Glossary of Acronyms Used

3Rs	- Reduce, Reuse, Recycle
ACES	- Advisory Committee on Environmental Standards
AECL	- Atomic Energy of Canada Limited
AOX	- Adsorbable Organic Halides
CANDU	- Canadian Deuterium-Uranium Reactor
CCME	- Canadian Council of Ministers of the Environment
CFC	- Chlorofluorocarbons
CIPSI	- Canadian Industry Packaging Stewardship Initiative
COA	- Certificate of Approval
EAAC	- Environmental Assessment Advisory Committee
EBR	- Environmental Bill of Rights
EPA	- Environmental Protection Act
GO	- Government of Ontario
GTA	- Greater Toronto Area
HBFC	- Hydrobromofluorocarbons
HCFC	- Hydrochlorofluorocarbons
HFC	- Hydrofluorocarbons
IJC	- International Joint Commission
M	- Millions of dollars, Canadian
MISA	- Municipal - Industrial Strategy for Abatement
MNR	- Ministry of Natural Resources
MoEE	- Ministry of Environment and Energy (Ontario), also OMEE
MPPs	- Members of Provincial Parliament
MSW	- Municipal Solid Waste
MTO	- Ministry of Transportation (Ontario)
ODS	- Ozone Depleting Substances
OEB	- Ontario Energy Board
OECD	- Organization for Economic Cooperation and Development
ORTEE	- Ontario Round Table on Environment and Economy
OWMC	- Ontario Waste Management Corporation
OWRA	- Ontario Water Resources Act
PCB	- Polychlorinated Biphenols
TSS	- Total Suspended Solids