

18 October 1974

RE: Environmental Impact Law and the Public's Role:  
a draft bill

I am writing to you in the hope that you may be able to turn your attention briefly to the enclosed material, and to send your remarks on it to this office.

The Ontario government will soon be the first government in Canada to introduce comprehensive legislation requiring social and environmental impact studies of proposed projects with significant environmental impact, before any decisions are made or approvals granted.

Our position has been to support this move in principle, but to go far beyond what in practice may prove to be merely a governmental pronouncement that everyone should make a gesture in the direction of environmental values before going ahead and doing the irreversible, the unthinkable, or the unsound.

We think environmental impact studies can be an important tool for more informed, principled, and rational decision-making in an environmental and social context, though by themselves they are not the whole answer to social, resource or environmental management problems. We felt, therefore, that the time was ripe to try to show how such procedures could work to enable the public to grapple with environmental problems. We feel that assessment procedures will be useless (at best) unless the public is not only allowed but encouraged to participate; and that means that citizens must have substantial, enforceable rights which will enable them to be knowledgeable, responsible initiators of action, rather than frustrated, barely tolerated minor participants.

Moreover, since legislation brought forth by the Ontario government is likely to have a profound in-

fluence on other provincial governments and at the federal level, we think it crucial that the legislation be worth emulating.

We have therefore written the enclosed draft as a model - in intention, if not in the execution - for environmental impact assessment legislation, with the emphasis on providing maximum opportunity for public participation in the assessment process.

It is because we feel this matter to be so important that we are requesting your assistance. We hope you will, as soon as possible, peruse the draft, and

- (1) Send us your comments and criticisms, if you have serious reservations, or
- (2) If you find your criticisms to be minor, endorse our position, or comment favourably upon it, to the extent that you are able.

If you find that (2) will be the case, we would appreciate separate letters, one containing your criticisms and the other expressing your support. The support of someone of your stature would be of great help to us in our attempt to persuade the Ontario government to adopt the principles of our bill.

Because we have not had the services of an experienced legislative draftsman, we felt it necessary to include a commentary and footnotes as clarifying aids.

We hope you will take the opportunity very soon to give us your reaction to our proposals.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

J.F. Castrilli

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