

# ONTARIO CHAMBER OF COMMERCE

July 8, 1975

Chairman and Members of the  
Standing Resources Development  
Committee,  
Queen's Park,  
Toronto, Ontario.

Dear Sirs:

We understand the Standing Resources Development Committee is studying Bill 14 - The Environmental Assessment Act, 1975. The Ontario Chamber presented in some detail our views on environmental assessment by way of comment on the Green Paper. We agree that there is a need for assessment in the case of major public undertakings where the potential impact on the environment might be great. There is probably also a need for an assessment of certain large private sector projects that may be planned upon "new sites".

We understand it is the intention of the Government to delay the application of this Act to private sector projects. We believe this is the correct approach as the knowledge gained from public sector application is vital to ensure that significant delays will not be experienced in its application to private sector projects.

The Bill, however, as presently drafted leaves to the regulations the designation of the types of private sector projects to which the Act will apply. This leaves the private sector with a problem of uncertainty. If significant land is being held for future development, it is unclear which developments would come under the provisions of the new Act. In designating the private sector projects to come under the Act, we believe it is important that present land use planning should be considered.

It would seem appropriate that where the intended site presently has industrial or commercial zoning, any project that is compatible with the zoning should not be subject to the Act. Protection is already provided under the Environmental Protection Act and the zoning by-laws. In situations where rezoning is necessary, the rezoning applications could provide any needed additional protection for the public. Where zoning has not taken place in respect of a particular site, the Act could apply where projects have significant environmental impact.

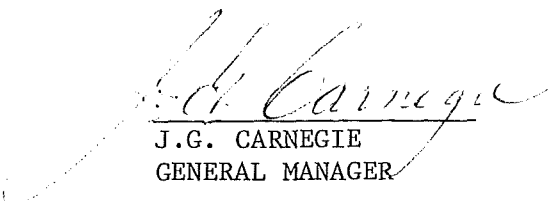
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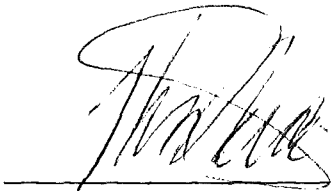
Chairman and Members of the  
Standing Resources Development  
Page 2

In making comment on this Bill, we believe it important that environmental protection measures be enacted in the public interest that do not stop or significantly delay the economic growth of this Province. We offer on the attached pages, specific comment on certain sections of the Bill.

Respectfully Submitted,



J.G. CARNEGIE  
GENERAL MANAGER



H.W. SHEA  
PRESIDENT

## Section 2

We believe that the purpose of the Act should include reference to economic considerations. It is important from a provincial point of view that the economic costs of not proceeding with a proposal be an essential requirement for ministerial consideration.

## Section 3

To do effective private sector long-range planning, we believe it important that there be some indication as to what application might be expected in the private sector and that this application should not take effect for undertakings that have already commenced. The situation could arise where a project was started and then later by regulation it is designated as one that comes under the Act. Subsection 45 (2) (a) stipulates that a regulation will be effective with respect to an enterprise or activity that is commenced after coming into force of this Act and is not completed when the regulation comes into force. This could mean that a major facility under construction would have to be halted and submitted to an environmental assessment with a long delay and a significant cost effect on construction.

## Section 5

Under the requirement of Section 5 (3) (b) and (3) (d), alternatives to an undertaking and alternative methods of carrying out the undertaking

would be required. In the planning of most major projects a large number of alternatives and alternative methods could be conceived. They are considered and most are rejected as being unsuitable from a geographic, economic or environmental standpoint. The proposal and the method of application that remains is the one that is the best considering all of the competing factors. To have to present a list of alternatives and alternative methods and details concerning them would not be productive in our view. We would, therefore, recommend that reference to alternatives and alternative methods in this section be deleted.

#### Section 7

This section brings into consideration the time factor between planning and undertaking of a project and being able to commence construction. As you will appreciate, major undertakings often involve a long time process to begin with. Environmental assessments should not unduly delay an undertaking. Therefore, we believe it is essential that there be some time limit, at least on initiating the environmental review process. We would, therefore, recommend that Section 7 (1) (a) stipulate that the review will be complete within 90 days.

The confidentiality of the material being submitted under an assessment process is an area that we believe the committee should consider. Under Subsection (2), any person may inspect the assessment document. You will appreciate that in certain circumstances a proponent may wish to protect confidential information and provision should be introduced, in our view, to make this possible.

#### Section 10

In this section the Minister is granted the right to amend the assessment. In our view, if the Minister disagrees with the assessment then he should propose changes to the proponent which may or may not be acceptable. If no satisfactory compromise is reached the Minister's comments on the assessment may be made to the Lieutenant Governor in Council or to the designated Ministers.

#### Section 11

Section 11 provides that further research and investigation may be carried out before the Minister gives judgment on a proposed assessment. We do not quarrel with this proposal but the section goes further to require "by order" the proponent to carry out the research. The proponent may not wish to carry out this research as in his view it may not be warranted but if ordered to do so, he would be required to carry it out and upon failure to do so could be liable to severe penalties under Section 40.

Section 17

Section 17 would appear to require a new assessment when any changes are made in a project. On all projects minor changes are necessary. We would suggest that this section be amended so that new assessments are only required with respect to changes having significant environmental impact.