



Gord Miller, B.Sc., M.Sc.
Commissioner

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**Third Decision on Government's Electricity Plan Evades
Environmental Bill of Rights, says Environmental Commissioner**

Last week the government made an important announcement about how the province would meet its future electricity needs – and then quickly followed up with two more decisions, said Gord Miller, Environmental Commissioner of Ontario, that deprived the public of their rights to participate in decisions that could have great environmental significance for the people of Ontario.

“First, the government made the announcement to proceed with their Integrated Power System Plan for generating electricity, which includes plans to rely on nuclear power,” said Commissioner Miller. “Then they passed a regulation that bypassed the *Environmental Assessment Act* – so that the plans for nuclear facilities are exempted from having to undergo a provincial environmental assessment.”

Miller says it's the third decision that is most important to him as Environmental Commissioner. “The government made the decision to bypass Ontario's *Environmental Bill of Rights*. They escaped the process whereby the people of Ontario should have been able to review and comment on the regulation to exempt the nuclear plans from an environmental assessment.”

The *Environmental Bill of Rights* requires ministries to post on the Environmental Registry any proposed new regulation that will have a significant effect on the environment – before the regulation is passed – to allow the public a meaningful opportunity to review and comment on the proposal. Instead, late last week, the Ministry of the Environment posted an “information notice” on the Registry advising that the government had already passed a regulation exempting the plans for nuclear power from an environmental assessment. The ministry claimed that in this case full notice on the Registry was not required because the regulation to exempt decisions about nuclear power is purely “administrative in nature.”

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"This is the first regulation under the *Environmental Assessment Act* that has not been posted on the Environmental Registry for public review and comment in the 12-year history of the *Environmental Bill of Rights*. This decision goes against the whole principle of government accountability and transparency enshrined in the Act. Exempting the province's long-term electricity plans from the environmental assessment process – to consider the possible impacts of those plans – is clearly environmentally significant and should have been posted on the Registry for public comment," says Miller.

"In effect," Miller added, "in making these environmental decisions, the government is escaping its responsibility to be transparent and accountable under Ontario's two key public-participation statutes."

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