

Environmental
Commissioner
of Ontario



Commissaire à
l'environnement
de l'Ontario

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Commissioner

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MOE, MNR starved of funding for core functions

Sudbury

Under successive governments since the early 1990s, the two Ontario ministries that bear the main burdens for environmental protection have suffered a gradual but steady erosion of funding, staffing and expertise. As a result, the ministries of Environment and Natural Resources are faltering in a number of core functions such as inspection, compliance, enforcement and monitoring. These are the findings of a Special Report submitted to the Legislature today by Ontario's Environmental Commissioner, Gord Miller.

"At a time of unprecedented public concern for the health of the planet, Ontarians may find it hard to believe that these two ministries are today struggling with fewer resources than in the early 1990s, but that is unfortunately the case," commented Miller. "These declines have occurred under governments formed by all three major political parties in Ontario."

The Special Report notes that operational budgets of MOE and MNR have declined significantly since 1992, in real inflation-adjusted terms. Over the same time period, the mandates of the ministries have steadily expanded, with many new environmental laws requiring enforcement and with environmental issues becoming much more complex. The regulated communities have also grown in number, with many more facilities needing approvals and inspections. As Miller noted, "The ministries have tried to cope through repeated restructuring and reprioritizing exercises to stretch resources ever more thinly, to download and offload some activities, and to discontinue others."

The implications for the environment – as illustrated by numerous examples and case studies in the Report – are real and wide-ranging. They include far too few regular inspections of facilities that discharge pollutants to air and water, chronic compliance problems at sand and gravel operations, neglected provincial parks, inadequate monitoring of wildlife and sport fisheries and weak oversight of municipal sewage infrastructure.



Backgrounder

Environmental Commissioner of Ontario

Special Report – Doing Less with Less

As an independent officer of the Legislative Assembly of Ontario, Gord Miller, the Environmental Commissioner of Ontario (ECO), monitors and reports on compliance by provincial ministries with the Environmental Bill of Rights (EBR). This special report was submitted to the Speaker of the Legislative Assembly on April 24, 2007

MOE and MNR have large and expanding mandates

Ontarians rely on MOE to protect Ontario's air and water quality and its ecosystems. They also expect MNR to be the primary steward of Ontario's wildlife, forests, wetlands, aquatic life and sand and gravel resources. Together, the ministries must be able to track the health of Ontario's natural environment, identify instances of environmental degradation, and take action to prevent or mitigate such degradation. They must also set rules and procedures, and carry out education, inspections and enforcement.

MOE's mandate has expanded in many directions; for example, air issues alone have grown to encompass regulation of acid gas emissions and ozone depleting substances, oversight of the Drive Clean Program and most recently, climate change. MNR similarly must deal with increasingly complex issues; timber management has become sustainable forest management, with many planning requirements. Fish and game issues have shifted and expanded to cover wildlife conservation, species at risk, biodiversity and invasive species.

Operating budgets for MOE and MNR have declined since 1992

MOE's operating budget decreased throughout most of the 1990s, hitting its lowest level in 1997/98 and 1998/99. Thereafter, MOE's operating budget began to recover, but much of the increase was dedicated to responding to drinking water protection following the Walkerton tragedy. After adjusting for inflation, the buying power of MOE's 2006/2007 operating budget is approximately 34 per cent lower than it was in 1992/1993.

The decrease in MNR's operating budget between 1992/1993 and 2004/2005 was approximately 35 per cent, expressed in inflation-adjusted terms. Despite recent new funding that was almost entirely transferred through to forestry companies to respond to a crisis in that industry, MNR's 2006/2007 operating budget remains approximately 18 per cent lower than in 1992/1993.

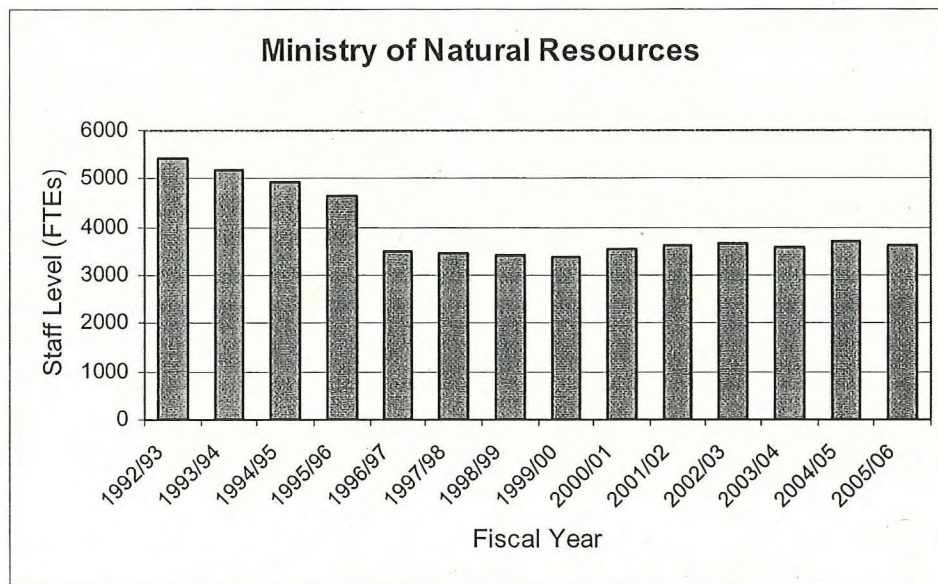


Figure 2: MNR staff levels 1992/1993 to 2005/2006. Totals are measured in full-time equivalent positions, as reported at fiscal year-end. Source: MNR

Consequences for environmental programs

Past Annual Reports of the ECO have described many examples of capacity problems at MOE and MNR, including the following:

- MOE has downloaded control of noise, dust and odour problems to municipalities that may lack the resources, expertise or legal authority to take effective action. In a number of cases, frustrated complainants have managed to convince MOE to take action by resorting to applications under the *Environmental Bill of Rights*.
- MNR's already small budget for acquiring properties of high ecological significance has remained virtually frozen for the past decade, while land values in Southern Ontario have increased dramatically and inflation has eroded the purchasing power of the fund.
- MNR has very limited capacity to monitor fish populations, including valuable sport fish species, such as lake trout, which are vulnerable to overfishing. In 2003/2004, the ECO reported that the ministry has long-term population data for less than two per cent of the lakes inhabited by this species.
- MOE relies on a 15-year-old, rudimentary inventory of waste disposal sites that inhibits its ability to monitor and properly regulate Ontario's landfill sites. The ministry has indicated that it lacks the staff and financial resources to update and enhance the database.

with combined sewers. MOE has not released an up-to-date, comprehensive summary of sewage treatment plant performance data since 1993.

MOE's Approvals Program

As one of its core functions, MOE issues Certificates of Approval (Cs of A) to regulate activities that may have an impact on the environment. The ministry receives approximately 8,000 applications for new or amended Cs of A each year, but has been able to process only 6,500 to 7,000 applications a year. There are frequent concerns raised by industry about delays in obtaining Cs of A for innovative or complex technologies. As well, MOE is struggling to cope with the widespread problem of outdated Cs of A, allowing many facilities to operate under outdated conditions, no longer reflective of current standards of environmental protection.

MNR's Oversight of Sand and Gravel Extraction

MNR is the lead agency responsible for managing Ontario's aggregate resources. The ministry has acknowledged that it has been coping with limited and decreasing capacity for inspection and enforcement obligations. Some individual inspectors are responsible for as many as 600 aggregate sites - far more than one inspector can realistically oversee. The ministry has also acknowledged that "Lack of staff and visibility in the field by inspectors has resulted in an increase in illegal operations and numerous complaints to MNR field staff." The most recently published inventory of Ontario's aggregate resources dates back to 1992, and it appears that resources are not available to update it, though it is acknowledged to be a critical planning tool.

MNR's Enforcement of Conservation Laws

MNR's conservation officers enforce the province's fish and game laws, as well as a wide range of other legislation covering the management of fire, parks, endangered species, the forest industry and aggregates. There has been roughly a 20 per cent cutback in field enforcement staff numbers over the past 14 years, even though the legislated responsibilities have expanded greatly. For example, Lake Ontario's sport and commercial fisheries (including the Niagara River and the St. Lawrence to the Quebec border) are patrolled by two conservation officers. In northern Ontario, constraints on funds to cover gasoline and other basics are limiting field presence of conservation officers, making it harder to deter poaching.

REMARKS

Gord Miller, Environmental Commissioner of Ontario
Special Report – *“Doing Less with Less”*

Cambrian College, 1400 Barrydowne Road, Sudbury, Ontario, Canada
10:30 a.m., Tuesday, April 24, 2007

Check Against delivery

Today I am releasing a special report to the Legislative Assembly about a problem that I have identified and documented which is seriously limiting the ability of our public service to properly protect and manage our environment and natural resource heritage. This is something that must change because our present course puts our ecosystems, our biodiversity, our health and parts of our economy at serious risk of deterioration and catastrophic events.

But, there are two unusual things about this special report. First, I am releasing the report in Northern Ontario away from Queen’s Park because the problem I am addressing and the resulting consequences more profoundly impact the day-to-day lives of people outside the urban centre. And, secondly, unlike my usual practice, this report is not focused particularly on the government of the day. I have documented the problem as it has emerged over the period 1992 to this last fiscal year and consequently it has evolved and persisted through governments of all three political parties. Thus, if I have made the case that there is a serious problem, in one sense one could say that all three parties share the “blame” but alternately I would suggest that these governments have just been responding to the perceived concerns of the people of Ontario over the past 15 years and the root cause is that public attention has been diverted away from what is going on in the areas of environmental protection and natural resource management. If the people knew what was really happening, or perhaps what is not happening with regard to their natural heritage they would have expressed other priorities.

During that period, the once world renowned Ontario Ministries of Environment and Natural Resources have been allowed to atrophy and deteriorate such that:

- we no longer know or are capable of knowing the state or the health of Ontario’s natural environment
- we are not in a position to anticipate and prevent imminent environmental impairment
- we are not keeping pace in developing laws and procedures sufficient to protect our natural heritage from degradation
- where we have such laws we are not inspecting and confirming that they are complied with – in fact, in some cases we know and acknowledge that there is substantial non-compliance

We are not talking about a lot of money. It is not up to me to recommend an actual amount needed to correct this problem but for arguments sake if we were to double the spending on these ministries it would involve re-allocating only 1% of the provincial operational budget. Surely there is that much flexibility in the budget system.

The environmental challenges facing our society are increasing. Beyond our historic problems our natural systems are being stressed by climate change, waves of invasive species and the accumulation of dangerous and persistent substances in our ecosystems. We need to give these public servants a clear signal that we value and appreciate their role and their efforts by rebuilding the capacity of their ministries. We need the Ministries of Environment and Natural Resources to be up to the job of protecting us.