Appendix C

Environmental Impact Assessment Group

News Clippings

The Environmental Impact Assessment Group has achieved considerable support in the media in a brief period of time as the following pages illustrate

The Globe and Mail

TORONTO, TUESDAY, FEBRUARY 11, 1975

Bottled up in Ontario Cabinet

Ministries stalling bill, environmentalists charge

By PETER WHELAN

Ontario Government ministries worried about threats to their own projects are trying to ensure that the Environment Ministry's environmental impact bill is bottled up in Cabinet, the Canadian Environmental Law Association maintained yesterday.

Executive director Gar Mahood said "development-minded" ministries and major Crown corporations intent on empire building hope the legislation "never sees the light of day."

CELA started a campaign demanding introduction of the bill and also made public its own model legislation on assessment of environmental impacts.

The model calls for assessment of all projects, public and private, that would have any significant impact on the environment. It proposes a review board insulated from political interference with a guaranteed right of any individual to intervene—with the help of public financing, if necessary.

Mr. Mahood said a senior

Donald Chant, chairman of zoology at the University of Toronto, said Environment is a junior portfolio, not just in Ontario but in governments across Canada. Effective impact legislation would give Environment powers over ministries such as those held only by the Treasury Board now, he said. It was hard to see the other ministries going along without a fight.

The Environment Ministry tabled a green paper on environmental impact assessment in September, 1973. Four broad approaches were laid out, and public reaction was invited.

Ministry spokesmen appeared to lean toward formation of a hearing board, whose decisions would be subject to review by the Cabinet.

CELA maintains that the bill—as suggested in public statements of Cabinet ministers and in CELA's own talks with Government officials—would give the province the power—but not the responsibility—to use environmental assessment to protect the public interest.

Environment

● From Page One

what projects were small enough to be exempted—and any individual could appeal a ruling and force a preliminary hearing.

Appeals of board rulings would go to the Supreme Court of Ontario, rather than to the Cabinet or Environment Ministry as envisaged in green-paper proposals.

The Cabinet, if it wished to reverse a decision, would do so through a special act of the Legislature.

CELA maintained that both the Ontario and federal Governments have committed themselves in policy speeches to public participation in impact studies, but neither is prepared to make the concept work.

The model bill calls for special financing for objectors to a project acting in the public interest.

Now, a Government agency or industry can spend

Increased spending on pollution control equipment is expected to increase the rate of economic growth through 1976, the study by Chase Econometrics Associates Inc. suggests. The maximum impact should occur this year—a 1.6 per cent increase in gross national product.

The GNP is projected to be slightly lower in the last half of the decade than it would be without pollution controls. The maximum impact, a 2 per cent reduction in GNP, is seen in 1979.

By 1982, the U.S. GNP would be virtually the same as if pollution control laws had not been introduced.

Unemployment is projected at 0.4 per cent lower in 1975 and 0.3 per cent lower in 1976 than it would be without pollution controls.

By 1979, when most major pollution control requirements will have been met, unem-

The Montreal Star SATURDAY, MARCH 29, 1975

Ontario

Environment bill proves 'masterpiece of ineptitude'

Harold Greer

TORONTO — The Ontario government has introduced, after much agonizing and many reports of internal cabinet dissension, its Environmental Assessment Act, claiming as usual that it is the best, the most progressive legislation of its kind in the world.

"We intend to continue to lead the way in the introduction of programs and policies which will protect our natural environment," Environment Minister William Newman told the legislature. "I am certain that this legislation will stand as an example for other jurisdictions throughout the world which are as concerned as we are here in Ontario with the protection of the environment."

If so, we must pray for the environment. Gar Mahood, executive director of the Canadian Environmental Law Association, declared himself after studying the bill to be "absolutely dumbfounded" and one can hardly quarrel with him. This legislation truly boggles the mind, not only for its blatant hypocrisy but for its Orwellian surrealism. If this bill is enacted as it stands, Big Brother has arrived in Ontario.

"Environmental assessment" is nothing more than a precious name for a legal and administrative scheme whereby the impact of new development projects are required to be comprehensively studied and approved before the projects are allowed to go ahead. Such regimes exist in the U.S. and appear to be based on three essential principles: that there be public awareness of the proposed project; that the assessment be done by an independent commission or board of experts according to known criteria, and that persons who can show they will be affected by the proposed project have the right to appear at the assessment hearing and make representations.

Setting aside the fine print for the moment, the Ontario government's bill would require that the assessment be done by the developer himself and submitted to the minister of the environment for approval before the project is begun.

The minister would then have his officials review the assessment and notify the developer, and the clerk of the municipality or municipalities where the project will be built, of where the assessment and review may be inspected. There is no requirement that the minister or the clerk of the municipality make any public announcement. However, any person may inspect the documents if he or she manages to hear about them, and may make submissions thereon to the minister.

The minister then considers the whole matter and, with the approval of the cabinet, either allows the project to proceed, turns it down, or allows it subject to terms and conditions. Here things get very tricky indeed.

The bill would create an environmental assessment board of at least five persons appointed by the government, but from outside the civil service. This board would, on direction from the minister, hold hearings and advise — repeat advise — the minister as to whether any environmental assessment referred to it should be approved, disapproved, or approved with conditions. The minister would not be bound by the advice.

There is no provision for a board hearing where the minister simply turns the assessment down. Indeed, if one reads the bill carefully, there is no clear authority for the minister to turn an assessment down. He can amend it but not reject it.

This may be simply bad draftmanship as a result of dissension on the measure. Certainly the bill is replete with non sequiturs — one of the courses of action open to the minister after he has accepted an environmental assessment, for example, is to "refuse to give approval to proceed with the undertaking."

But the intention quite clearly is to go along with the developers. It can hardly be an oversight that the bill makes no provision for an appeal to the assessment board by opponents of a project in cases where the minister sides with the developer. It can hardly be an accident that when the board is directed to hold hearings, there is no requirement in the proposed legislation that opponents of a project must be heard.

In short, the act is a farce — and ludicrously so when one gets to the fine print and discovers that it will apply to all development projects, public and private, as may be designated by the government in regulations. If the government designates nothing, the act applies to nothing.

According to Environmental Minister Newman, only Ontario government developments will be designated in the first year or two after the legislation is passed. Whether it is ever extended to the private sector, he said, will depend on experience with the public sector.

Perhaps it's just as well: even polluters should be spared the arbitrary autocracy which infuses this masterpiece of legislative ineptitude. The bill will apply to such "major" commercial or business projects as may be designated by the government by regulation — it then authorizes the government to define any development as a "major" one. For the purposes of the act, a "public body" is whatever the government says it is.

Perhaps the most incredible concept, however, is the definition given to the term "environment," upon which everything else depends. "Environment" means not only the physical environment but the "social, economic and cultural conditions that influence the life of man or a community."

In short, it means everything and the legislation, if it means anything, proposes to give the government power to control everything. Does the good grey Tory government really intend that? Of course not. Ergo, it intends nothing.

The Star's Toronto Correspondent

The Globe and Mail

WEDNESDAY, FEBRUARY 12, 1975

The Globe and Mail TUESDAY, FEBRUARY 11, 1975

Study says U.S. pollution control to have little impact on economy

Pollution controls required by U.S. federal law will have "very little impact" on economic growth, unemployment and prices, according to a study done for the U.S. Environmental Protection Agency and the Council on Environmental Quality.

The study, covering 1973 through 1982, contradicts sweeping warnings that prices will increase sharply, many jobs will be lost and the U.S. economy will be stifled by pollution control laws.

Increased spending on pollution control equipment is expected to increase the rate of economic growth through 1976, the study by Chase Econometrics Associates Inc. suggests. The maximum impact should occur this year—a 1.6 per cent increase in gross national product.

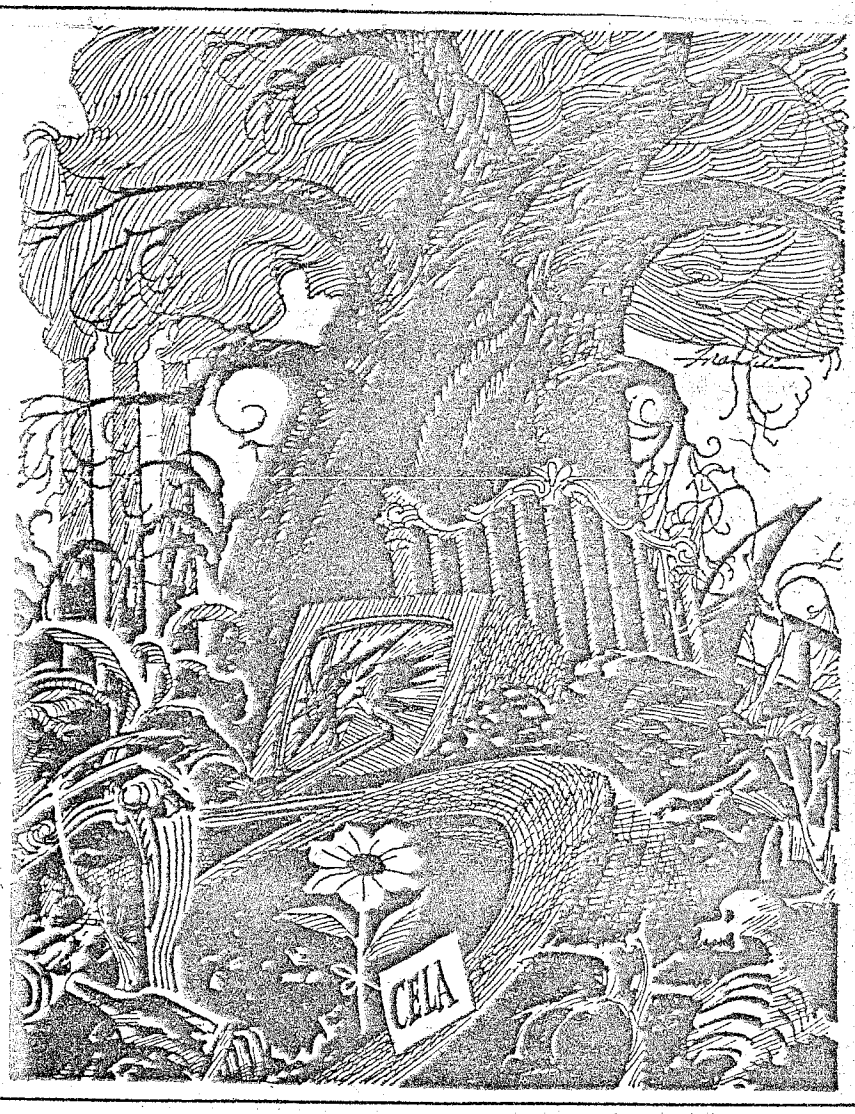
The GNP is projected to be slightly lower in the last half of the decade than it would be without pollution controls. The maximum impact, a 2 per cent reduction in GNP, is seen in 1979.

By 1982, the U.S. GNP would be virtually the same as if pollution control laws had not been introduced.

Unemployment is projected at 0.4 per cent lower in 1975 and 0.3 per cent lower in 1976 than it would be without pollution controls.

By 1979, when most major pollution control requirements will have been met, unemployment is seen as 0.4 per cent higher because of the controls. The effect falls to almost zero by 1982.

Paying for the controls will increase general prices, but the impact should almost be phased out by 1982, the study found. By 1978, the cumulative increases are estimated at 3 per cent of the wholesale price index and 1.2 per cent of the consumer price index. By 1982, the cumulative impact will have fallen to 2.4 per cent on the wholesale index and 0.2 per cent on the consumer index.


CHA

The Windsor Star

Published by Southam Press (Ontario) Limited.
167 Ferry Street, Windsor N9A 4M5
Second Class Mail Registration Number 0078

J. PATRICK O'CALLAGHAN - Publisher
A. H. FAST - General Manager ROBERT M. PEARSON - Editor

Wednesday February 12 1975

No action likely on review board

The Canadian Environmental Law Association (CELA) deserves great credit for the nearly hopeless task it has espoused: persuading the Ontario government to speed up the formation of its promised environmental review board.

Two current factors, economic and political, suggest that the government is in no hurry to do anything about the proposed board which would review the effects on the environment of all new developments. First, the economic uncertainties of today have tended to downgrade concern for the environment in the public mind. Second, the political uncertainties facing the Conservative government make it unlikely that any action would be taken which might offend any bloc of voters.

Offence there certainly would be, particularly if the government's plans for a review board followed the strongly pro-environment lines favored by the CELA. Already the CELA is charging that there is opposition within the government itself, because "some of the development-oriented ministries don't want the bill to see the light of day."

Despite these strong indications that no action is probable before the next election, the CELA is absolutely right, and deserves support, in its campaign to have the government fulfill its promises of a review board. Beyond the common-sense fact that some powerful body should review developments before it is too late to stop them, the CELA is an expert body, composed of lawyers and environmentalists who have studied the subject and who know what they are speaking about.

The authority that should be given to any review board is still to be debated. The CELA, although its draft legislation is only tentative, is flexible and has said it will support any legislation brought down by the government. Naturally, the CELA would prefer tough legislation which would give the benefit of the doubt to the environment. Just as naturally, the government must consider other elements besides the environment, and its ideas of the powers of a review board may differ greatly from those of the CELA.

There are, however, many aspects of environmental review in which the interests of the CELA and the government — and the public which both represent — coincide. There should be a review body. It should have citizen participation. It should have power beyond the rubber-stamp function that has made the federal Food Prices Review Board a laughing stock.

In addition, there is one essential on which the government, the CELA and the public are obviously not agreed. The government's ideas on the composition, scope, and authority of the review board should be made public as quickly as possible, so that the long process of debate can get under way.

The Whig-Standard

KINGSTON, ONTARIO, TUESDAY, APRIL 15, 1975

An Act Respecting Nothing

Environmental protection in Canada is still largely a matter of closing the barn door after the horses. Pollute, consume, warp the delicate ecological balances and consider the consequences later, often when it is too late.

The Canadian Environmental Law Association has done much to heighten public awareness of how poorly our environment is being "protected". It has even approached often hostile elements within industry in an effort to stimulate greater "environmental conscience" among those who do the most damage.

The most nearly hopeless task undertaken by CELA, however, is its latest foray against the Davis government. Commendably, CELA has proposed environmental legislation which would at least put "protection" in its proper chronological perspective: action before the damage is done. The provincial government in response, however, deserves something less than credit for what it has put on the order paper. In effect, the Environmental Assessment Act now before the legislature stands to do as much for the environment as the Food Prices Review Board has done to reduce food prices; namely, nothing.

It was wisely recommended by CELA, for instance, that an environmental review board be established, independent of the political pressures on government, with powers to accept or reject any development on the basis of its potential environmental impact.

The Government does include in its Act provision for an Environmental Assessment Board. But the Board would be responsible only for "advising" the Minister and the Minister is in no way bound by the legislation to heed that advice.

Moreover, it should be perfectly obvious that there can be no meaningful public input on environmental matters if the public is not aware of a particular development and has no course of appeal even if it happens to hear about the project. While the Government would give the Assessment Board the power to hold hearings, there is no provision for any public announcements to that effect and appeals are open only to developers.

The fine print of the Act merely takes it from bad to worse. It will apply, for instance, only to projects designated by the Government in regulations. Presumably there will be no public discussion of these regulations and if the Government choses to designate nothing, the Act will apply to nothing.

With such precious areas as the Little Cataraqui marshlands under the constant threat of the bulldozer, Kingstonians have ample reason to protest what the Davis government is not doing to protect our environment.

The Windsor Star

Published by Southam Press (Ontario) Limited
167 Ferry Street, Windsor N9A 4M5
Second Class Mail Registration Number 0078

J. PATRICK O'CALLAGHAN - Publisher
A. H. FAST - General Manager ROBERT M. PEARSON - Editor

Wednesday February 12 1975

No action likely on review board

The Canadian Environmental Law Association (CELA) deserves great credit for the nearly hopeless task it has espoused: persuading the Ontario government to speed up the formation of its promised environmental review board.

Two current factors, economic and political, suggest that the government is in no hurry to do anything about the proposed board which would review the effects on the environment of all new developments. First, the economic uncertainties of today have tended to downgrade concern for the environment in the public mind. Second, the political uncertainties facing the Conservative government make it unlikely that any action would be taken which might offend any bloc of voters.

Offence there certainly would be, particularly if the government's plans for a review board followed the strongly pro-environment lines favored by the CELA. Already the CELA is charging that there is opposition within the government itself, because "some of the development-oriented ministries don't want the bill to see the light of day."

Despite these strong indications that no action is probable before the next election, the CELA is absolutely right, and deserves support, in its campaign to have the government fulfill its promises of a review board. Beyond the common-sense fact that some powerful body should review developments before it is too late to stop them, the CELA is an expert body, composed of lawyers and environmentalists who have studied the subject and who know what they are speaking about.

The authority that should be given to any review board is still to be debated. The CELA, although its draft legislation is only tentative, is flexible and has said it will support any legislation brought down by the government. Naturally, the CELA would prefer tough legislation which would give the benefit of the doubt to the environment. Just as naturally, the government must consider other elements besides the environment, and its ideas of the powers of a review board may differ greatly from those of the CELA.

There are, however, many aspects of environmental review in which the interests of the CELA and the government — and the public which both represent — coincide. There should be a review body. It should have citizen participation. It should have power beyond the rubber-stamp function that has made the federal Food Prices Review Board a laughing stock.

In addition, there is one essential on which the government, the CELA and the public are obviously not agreed. The government's ideas on the composition, scope, and authority of the review board should be made public as quickly as possible, so that the long process of debate can get under way.

The Citizen

An independent newspaper founded in 1844

R.W. Southam
Publisher

Christopher Young
Editor

Charles King
Associate Editor

Published by the proprietor, Southam Press Limited, at 1101 Baxter Road, Box 5020, Ottawa, Ont., K2C 3M4

Thursday, February 13, 1975

ONTARIO PLAN

How to guard the environment

It will be an interesting study in contrasts — the Ontario government's upcoming environmental legislation, measured against the proposed bill outlined this week by the Canadian Environmental Law Association (CELA).

Many of the CELA proposals would be useful additions to Ontario law. An environmental review board, as proposed by the association, should be independent of the government. And it should, again as suggested by CELA, be authorized to hear appeals from any citizen — not just those directly affected by a slated project.

Environmental impact assessments, carried out by the review board, would be far more helpful if done before the fact, and far less costly and troublesome than halting a project in mid-construction.

The government should also take notice of CELA's recommendation that all who will be affected be given early notice of projected developments. Again, this would save time and money in the long run. More important, it would add to the environmmental rights of the people.

CELA also makes recommendations which would put legal action by citizens within easier reach. As matters now stand, legal costs are a barrier to successful defence of the environment.

Perhaps most important is the recommendation that environmental regulations be subject to public scrutiny. CELA intelligently points out that legislation alone is meaningless until it is carried out through regulations. These, like the legislation, must be open to debate.

One need not accept CELA's characterization of the Environment Department as a weak sister among pro-development departments to recognize that tough environmental legislation will be both difficult to enact and difficult to enforce. Still, CELA is presenting ideas whose

The Toronto Star

Established 1892 — Joseph E. Atkinson, Publisher; 1899-1948
Published at One Yonge St., Toronto M5E 1E6, by Toronto Star Ltd.

The Toronto Star paid circulation
for April was: Monday-Friday, 496,645, Saturday 779,172
Member of the Audit Bureau of Circulations

MARTIN GOODMAN, Editor-in-Chief
EDWIN BOLWELL, Managing Editor

BELAND H. HONDERICH, President and Publisher

BURNETT M. THALL, Vice-President, Director
LIONEL C. MOHR, Vice-President, Director
HARRY A. HINDMARSH, Director
WILLIAM J. CAMPBELL, Director
RUTH ATKINSON HINDMARSH, Director
WILLIAM A. DIMMA, Director
WALTER L. GORDON, Director
ALEX J. MacINTOSH, Director

Environment protection law needed now

Now that the prospect, threat or promise of a spring election has ceased to distract the people at Queen's Park, it's time to get back to real business.

Among the government's priorities should be the legislation to provide for assessment of environmental impact in major construction projects. The bill, after all, was described by Environment Minister William Newman as "one of the most important pieces of legislation ever introduced in the province" when it was brought in two months ago.

Until it gets passed it's only a bill of goods.

The proposed legislation is an overdue start with what ought to be a basic principle of resource and industrial development. While rightly trying to exploit Ontario's rich potential, we should always measure the consequences in terms of pollution, changed landscape and the environmental effects.

Since this is basically an experiment, the government is proceeding cautiously. Study of the bill presented by Newman has shown that it can be strengthened. Some useful suggestions have been made by the Canadian Environmental Law Association. Among its criticisms:

As the bill now reads, it is up to the minister of the environment to determine which projects ought to be reviewed. This simply invites abuse. Projects which a government finds politically or administratively convenient may escape scrutiny.

For all the talk about protecting the public interest, there are few guarantees. At present the public has no right to force an environmental review, no appeal from any decisions, and no right to adequate notice of hearing.

Moreover, government projects have no monopoly on unfortunate and unforeseen consequences. Therefore, the legislation should be extended to cover major projects in the private sector as well. If there is value in protecting the environment from ill planned projects, then it doesn't much matter who ill-plans them.

The concept of having those who would undertake major development projects determine ahead of time what effect their actions will have on the environment is sound. This is not to say that the effect will be unacceptable. It is simply a matter of measuring gain against loss. We should know what the trade-off is.

The London Free Press

Established 1849

AN INDEPENDENT NEWSPAPER
Published by LONDON FREE PRESS PRINTING COMPANY LIMITED
369 York Street, London, Ontario, Canada, P.O. Box 2280 N6A 4G1
Member of The Canadian Press—Member Audit Bureau of Circulation
Member Ontario Press Council
Telephone 679-1111, Area Code 519

Monday, March 31, 1975

A strange environmental bill

Considering the amount of time and labor put into it — about two years — the Ontario government's environmental impact bill is a curious piece of legislation. It could mean almost anything, or nothing.

Its strengths are less apparent than its shortcomings. For example, the legislation would apply initially only to developments by government and Crown corporations; the private sector is to be covered later, Environment Minister William Newman promises, but there's no indication when. The bill, incorporates the valid principle that new development should be assessed for its capacity to inflict environmental damage, but the whole process for publicizing assessments made by developers and submitted to the minister is hazy.

In any case, the bill provides for a five-member environmental assessment board, of non-government people, to hold hearings — under what circumstances, the bill doesn't make clear — and make recommendations to the minister. The cabinet, it seems, would have full veto powers.

Though specious environmental objections should not be allowed to prohibit essential development — some uncompromising environmental lobbyists would stop everything — Ontario's approach to environmental protection has been somewhat aimless. Its bills tend to be so general in scope that they leave the impression of being enacted as window-dressing. The gingerly approach is exemplified by Mr. Newman's reluctance to deal with the problem of throwaway bottles and cans.

Still, criticism of the government's caution on the environmental impact bill should be qualified because a government that capitulated to all the unrealistic exhortations of the environmentalist lobby could arrest necessary development at incalculable cost to the province's economic well-being — though, of course, economic well-being should not be allowed to justify excess.

The legislation, when and if it is applied to the private sector, will provide built-in unfair advantage for sponsors of projects which may have an undesirable environmental impact.

Private citizens and citizen groups will not have the right to require an environmental assessment board review of government decisions on projects — no right to appeal — but private project sponsors will have the right to demand a hearing.

The assessment board and the cabinet will evidently be the public's defenders. Faith in their ability to fill the role would come more easily if the government's environmental record were less uneven.

The Toronto Star

Established 1892 — Joseph E. Atkinson, Publisher; 1899-1948
Published at One Yonge St., Toronto M5E 1E6, by Toronto Star Ltd.

The Toronto Star paid circulation
for January was: Monday-Friday, 495,739, Saturday 755,402
Member of the Audit Bureau of Circulations

MARTIN GOODMAN, Editor-in-Chief
EDWIN BOLWELL, Managing Editor

BELAND H. HONDERICH, President and Publisher
BURNETT M. THALL, Vice-President, Director
LIONEL C. MOHR, Vice-President, Director
HARRY A. HINDMARSH, Director
WILLIAM J. CAMPBELL, Director
RUTH ATKINSON HINDMARSH, Director
WILLIAM A. DIMMA, Director
WALTER L. GORDON, Director
ALEX J. MacINTOSH, Director

Environment protection overdue

When Ontario Hydro's Hearn generating plant on the Lakeshore opened in 1951, it blissfully burned high-sulphur fuel which came out through short smokestacks and polluted the air.

The province has promised to protect us in the future from the consequences of such blind progress by passing a law that will require an early assessment of the environmental impact of similar projects.

This is not a revolutionary move for an industrial country. In the United States there has been an environmental impact assessment law in effect since 1969.

In the Hearn plant case, it took two decades, millions of tons of air pollution, and great public expense before we switched to low-sulphur fuel and more than doubled the height of the smokestack.

Had Ontario Hydro known all the consequences before it built the plant, the fuel could have been changed, the stacks built taller or the whole plant could have been located outside the crowded city with all its other sources of air pollution.

An environmental impact assessment law like the American one will change all that. The environmental consequences will have to be considered with as much care as the dollars or the votes that companies and governments think about first.

Any project that could hurt people, damage public lands, produce hazardous or toxic substances, radiation, land, air or water contamination or waste products should be assessed. Minor projects, except where their cumulative effect may damage the environment, could be routinely exempted.

Today the public has no legal right to such protection. A new environmental law doesn't mean that any project that will damage the environment can't go ahead. It just means that we'll know ahead of time how much good and how much bad will be created so trade-offs can be made.

A project that will do more damage than good, however, can be stopped in its tracks before the ill-effects appear.

Up to now neither government nor industry have much bothered about the environmental consequences of their actions. Perhaps that's because it's only the public that suffers when the environment eventually turns sour.

This can only be prevented by making environmental impact assessments mandatory and setting up an independent body to make the assessments in public.

The assessment would be conducted in public by an environmental review board early in the planning stages before money and other resources are irretrievably committed.

There are those who will see the environmental impact assessment as just another tool to delay or stop all growth and development. Perhaps such excesses represent a natural reaction to the years when citizens had no voice in matters vitally affecting their surroundings.

But in the long run, a comprehensive public review of major projects early in their planning will save time and money by dealing with the objections openly and early and once and for all.

Environment Minister William Newman should waste no more time in presenting this legislation. He should not shrink from making it tough enough to win the respect not only of those whose projects it will assess, but the public whom it will protect.

This editorial was prepared with the consultation of CELA lawyers.

The Whig-Standard

KINGSTON, ONTARIO, TUESDAY, APRIL 15, 1975

An Act Respecting Nothing

Environmental protection in Canada is still largely a matter of closing the barn door after the horses. Pollute, consume, warp the delicate ecological balances and consider the consequences later, often when it is too late.

The Canadian Environmental Law Association has done much to heighten public awareness of how poorly our environment is being "protected". It has even approached often hostile elements within industry in an effort to stimulate greater "environmental conscience" among those who do the most damage.

The most nearly hopeless task undertaken by CELA, however, is its latest foray against the Davis government. Commendably, CELA has proposed environmental legislation which would at least put "protection" in its proper chronological perspective: action before the damage is done. The provincial government in response, however, deserves something less than credit for what it has put on the order paper. In effect, the Environmental Assessment Act now before the legislature stands to do as much for the environment as the Food Prices Review Board has done to reduce food prices; namely, nothing.

It was wisely recommended by CELA, for instance, that an environmental review board be established, independent of the political pressures on government, with powers to accept or reject any development on the basis of its potential environmental impact.

The Government does include in its Act provision for an Environmental Assessment Board. But the Board would be responsible only for "advising" the Minister and the Minister is in no way bound by the legislation to heed that advice.

Moreover, it should be perfectly obvious that there can be no meaningful public input on environmental matters if the public is not aware of a particular development and has no course of appeal even if it happens to hear about the project. While the Government would give the Assessment Board the power to hold hearings, there is no provision for any public announcements to that effect and appeals are open only to developers.

The fine print of the Act merely takes it from bad to worse. It will apply, for instance, only to projects designated by the Government in regulations. Presumably there will be no public discussion of these regulations and if the Government choses to designate nothing, the Act will apply to nothing.

With such precious areas as the Little Cataraqui marshlands under the constant threat of the bulldozer, Kingstonians have ample reason to protest what the Davis government is not doing to protect our environment.

THE OTTAWA CITIZEN

April 15, 1975

Ontario environment bill criticized as inadequate

By John Honderich
Citizen staff writer

The chief lawyer for the Canadian Environmental Law Association has labelled Ontario's proposed environmental assessment bill as "woefully inadequate" to protect the province's ecology.

Heather Mitchell said the bill, which would require environmental impact studies on certain large projects, does not guarantee enough access for citizen groups to voice their opinion.

Speaking Monday night to the association's Ottawa branch, she complained the bill would allow the government to decide alone what projects would be analysed.

"What this means is that the government will have the power to protect the environment but nowhere does it state it will be compelled to use it," she said.

Projects in the Ottawa area which might be affected by the new legislation are the regional master plan and landfill operations which have taken place beside McKay Lake in Rockliffe.

Ms. Mitchell's comments were directed toward a bill tabled last month in the legislature by Environment Minister William Newman.

The Times-News

NORTHWESTERN ONTARIO'S HOME NEWSPAPER

Issue Number 8396

THUNDER BAY, ONTARIO, WEDNESDAY, MARCH 19, 1975

ENVIRONMENTAL MEETING

Hydro's Plans, Coal Terminal Are Discussed

THUNDER BAY — Hydro's plans for Northwestern Ontario and the proposed McKellar Island coal terminal dominated discussion at a gathering at Ogden St. school Tuesday.

The meeting was sponsored jointly by the locally-based HOPE environmental group and the Canadian Environmental Law Association. The purpose was to discuss the operations of CELA and environmental problems relating to Thunder Bay.

First speaker of the evening was Dick Pretlac, who discussed Hydro's efforts to locate a thermal power station in Northwestern Ontario. Mr. Pretlac said Hydro was "rather surprised by the extent of public concern about where they were going to put this facility."

He went on to say Hydro made certain claims at the time of its public involvement program, which it was unable to back with hard facts. He also said there was "no hard evidence" Hydro has given up on a site at Bare Point even though it has recommended a site at Atikokan for the new plant.

HOPE member Bob Hartley said it was very difficult to get detailed information on the environmental impact of large industrial projects like the Hydro station

BIOLOGISTS READY

Local naturalist Keith Denis said Hydro had been quite willing to meet with an environment group he was associated with. He added that Hydro biologists were prepared to answer any questions put to them quite frankly.

Ald. Dale Willoughby lamented the fact that the ministry of the environment seemed to operate "from weakness," meaning they had little control over industrial projects. He wished the ministry had the power to stop something before it goes ahead instead of simply monitoring the results.

Ald. Willoughby had been speaking in reference to the proposed coal terminal slated for McKellar Island to be operated by Thunder Bay Terminals Ltd. Gordon Digiacomo, assistant to Fort William MP Paul McRae, took exception to Ald. Willoughby's reference to the environment ministry, stating the City of Thunder Bay bore the primary responsibility for issuing a building permit to the terminal developers.

The alderman responded stating it was illegal for the city to refuse a building permit to an industry if the area being developed is zoned industtrial.

NEPTUNE COAL

Clifford Wahl said the city could stop "Neptune Coal" from locating on McKellar Island if it wanted to.

"There is no legal reason to make people living on the island or myself suffer from the effects of coal dust," he said.

Mr. Pretlac said those present basically wanted to replace an exploitation ethic with proper, planned management.

Prior to the meeting, CELA member Joe Castrilli outlined the purpose of his organization, which is composed of 600-700 lawyers, scientists and laymen concerned with evironmental laws.

He said CELA was advocating stronger laws which would not exclude citizens from discussion of environmental matters.

"The laws are very discretionary as they now stand," he said. "They do not compel the government or companies to conduct environmental hearings, do impact studies before projects go ahead or allow citizens to question their plans."

He said present environmental laws require industries to meet "minimal requirements only." This, he said, was a "very narrow focus" which ignores the secondary impact of certain industries.

THE OTTAWA CITIZEN

April 15, 1975

Ontario environment bill criticized as inadequate

By John Honderich
Citizen staff writer

The chief lawyer for the Canadian Environmental Law Association has labelled Ontario's proposed environmental assessment bill as "woefully inadequate" to protect the province's ecology.

Heather Mitchell said the bill, which would require environmental impact studies on certain large projects, does not guarantee enough access for citizen groups to voice their opinion.

Speaking Monday night to the association's Ottawa branch, she complained the bill would allow the government to decide alone what projects would be analysed.

"What this means is that the government will have the power to protect the environment but nowhere does it state it will be compelled to use it," she said.

Projects in the Ottawa area which might be affected by the new legislation are the regional master plan and landfill operations which have taken place beside McKay Lake in Rockliffe.

Ms. Mitchell's comments were directed toward a bill tabled last month in the legislature by Environment Minister William Newman.

THE SAULT DAILY STAR

City Page

SAULT STE. MARIE, CANADA THURSDAY, MARCH 20, 1975

Sault residents tell CELA

Hydro station 'everybody's business'

By JOHN HALUCHA
Sault Star Staff Writer

Proposed construction of a thermonuclear electrical generating station on the North Shore of Georgian Bay is "everybody's business" asserted Sault Ste. Marie residents attending a meeting organized by the Canadian Environmental Law Association (CELA) Wednesday.

Several local speakers supported the opinion, pointing out that dangers of radiation are not confined to the direct area under study.

Toronto lawyer acting for CELA, Heather Mitchel, agreed with the stand. Present plans for storing waste which takes 250,000 years to lose its radioactivity call for concrete above-ground shelters which have to be replaced every 100 years, she said.

"There has to be a much, much safer way of getting power."

The meeting also heard complaints that recent public meetings which Ontario Hydro has organized to gather public opinion on the project were "not properly announced and conducted."

Miss Mitchell suggested that, since Ontario Hydro is a crown corporation, pressure may be brought to bear through the Ontario cabinet.

"Too bad your member John Rhodes isn't here," she commented. "That's obviously not the avenue for it."

She said that Mr. Rhodes, Sault MPP and minister of transportation and communications, had been invited to the meeting but refused to attend and refused to send a representative.

Other complaints describing poor communications spurred John Walker, chairman of the public affairs committee of the local chamber of commerce, to observe that the Ontario Hydro hearings may actually result in "very little public participation."

While making it clear that he was not necessarily against the project itself, Mr. Walker felt that "the government has essentially already made its decision, and the public meeting process to gather public opinion . . . isn't likely to sway their plans."

A fellow panel member, Sault teacher Norm Sloane, remarked that the nuclear energy path is "fraught with danger" and is not the answer for long-term needs. He predicted that a string of similar thermonuclear plants will be build if a stop is not applied soon, speculating that the next one will be between Sault Ste. Marie and Wawa.

Mr. Sloane said that solar energy would be far superior, but that research must begin immediately because its development is expected to take about 25 years.

Also coming under fire at the meeting was the Great Lakes Power Co. proposal to build a hydro generating station in the St. Mary's river rapids. The facility is awaiting governmental approvals now, with a planned construction start in

The CELA approach to environment is different, sensible

North Bay was visited recently by officials of the Canadian Environmental Law Association (CELA) who held a public meeting for the purpose of discussing dangers to our environment.

There can be no doubting the sincerity of the CELA people.

They stress that they are not merely concerned with ecology and the danger to the land, air, and water. They are also concerned with the pollution of social and other values which we hold dear.

North Bay Nugget

In other words, a new highway or a new pipeline may not only harm the ground, the wildlife, the water—but also the sociological environment.

This is an approach which has not received much publicity.

Since the meeting in North Bay, the provincial government has announced its Environmental Act. It may not meet all the desires of CELA, but it is at least a step in the right direction.

The Toronto Star remarks, in a recent editorial:

"The environmental consequences will have to be considered with as much care as the dollars or the votes that companies and governments think about first.

"Any project that could hurt people, damage public lands, produce hazardous or toxic substances, radiation, land, air or water contamination or waste products should be assessed. Minor projects, except where their cumulative effect may damage the environment, could be routinely exempted.

"Today the public has no legal right to such protection. A new environmental law doesn't mean that any project that will damage the environment can't go ahead. It just means that we'll know ahead of time how much good and how much bad will be created so trade-offs can be made.

"A project that will do more damage than good, however, can be stopped in its tracks before the ill-effects appear.

"Up to now neither government nor industry have much bothered about the environmental consequences of their actions. Perhaps that's because it's only the public that suffers when the environment eventually turns sour.

"This can only be prevented by making environmental impact assessments mandatory and setting up an independent body to make the assessments in public.

"The assessment would be conducted in public by an environmental review board early in the planning stages before money and other resources are irretrievably committed.

"There are those who will see the environmental impact assessment as just another tool to delay or stop all growth and development. Perhaps such excesses represent a natural reaction to the years when citizens had no voice in matters vitally affecting their surroundings.

"But in the long run, a comprehensive public review of major projects early in their planning will save time and money by dealing with the objections openly and early and once and for all."

The Sudbury Star

Editorial Page

Wednesday, March 26, 1975

Published by Thomson Newspapers Limited, 33 MacKenzie St., Sudbury, Ont.
J. R. Meakes, Publisher

Environment law leaves advocates in 'watchdog' role

It was coincidence that members of the Canadian Environmental Law Association were in Sudbury pleading the cause of pre-assessment of environmental impact for all major developments just a few days before the provincial government introduced its promised new legislation on this subject.

The CELA officers made two sound points: That assessments should be made in advance of the commencement of construction on any project, and that public access to an assessment board and the expertise with which to back an appeal should be much more readily available.

The kind of board proposed by CELA is a high-powered concept. It would be insulated from political influence or other pressures; it would have powers to over-rule decisions of government departments; it would have its own expert legal, technical and scientific resources. Any person could bring a case before it and financial backing would be available to him in presenting his view

Needless to say, CELA's idea is potentially both expensive and explosive. It would have developers deposit a percentage of the estimated cost of a project to finance an objector's case.

Environment Minister William Newman outlined a somewhat less aggressive and calmer approach in the government proposal. He also has in view an independent assessment board, but at first the legislation would apply only to government projects. Later, he promised, it would apply to private developers.

The government bill departs from CELA's idea in many important provisions, one of which is that the cabinet would retain final say on recommendations of the board. It would not hand over responsibility.

In this respect, CELA has a beguiling argument. It would remove the government's power and therefore its responsibility, but if reasons for going against the board were considered so pressing that a government felt the necessity of circumventing a decision, the politicans would have the option of special legislation permitting (or preventing) a project. Thus CELA says, in effect, to the government: "Be it on your own head" . . . but more obviously than at present.

There would be a route of appeal to the Supreme Court under CELA's bill. This too, will be recognized as an important step away from government by bureaucratic decision. It is a welcome feature.

But the association brings forward its suggested legislation at a time which is hardly advantageous to its cause. Economic conditions of the day reinforce many anxieties for industrial development even "at a price" in environmental terms.

Any government adopting the course set out by CELA would be certain of encountering heavy fire. It would come as much from municipal administrations intent upon attracting industrial opportunities as from any other quarter.

Mr. Newman told the legislature that environmental assessment as defined in the bill "will enable all of us in Ontario to achieve a universal goal — to provide and to ensure an environment which is satisfying and rewarding in our time and which will be enriched for the generations of the future by the actions which we take today."

Thus the government clearly sees its program as the practical way to tackle the job — an aspect with which ministers in office must be more concerned than those who do not have responsibility for implementation of such measures.

CELA's approach is idealistic, but it is an important and valuable contribution to the discusion of what should be done finally about environmental legislation. The young CELA officers taking their campaign around the province are articulate and careful to avoid the stridency of pressure tactics.

They have given the government and the community at large something to think about and certainly may be expected to be watching closely as the government program is implemented. They will be in a position to challenge and question effectively and that in itself is a worthy exercise for any group of citizens. Mr. Newman will need to have sound answers ready.

The Globe and Ma

The

an env

bill

BY J. F. CASTRILL
AND ELIZABETH BL

The authors are researche Canadian Environmental La ation.

FIRST IT WAS the envi crisis. Now it is the co of an energy crisis an nomic crisis—the threat of sion—and concern for the ment seems like a fad con the prospect of not having e for our furnaces.

But the link between the has been overlooked, for to so to solve others. The best s conservation. The efficient energy would cut pollution sures taken to reduce polluti have the effect of conserving

For example, smaller au would use less gas, thus s ously saving energy and d the emissions which account than half of all urban air The use of rapid intercity tra be a vastly more efficient u ergy than airplanes, would re and noise-pollution and woul the massive gobbling up of farmland for ew airports.

ment. But in practice the choice is usually made by default, because all the hidden costs of a proposed development—consumption of energy, social and environmental consequences—are almost never made explicit and made public.

We have no planning mechanisms which would allow us to foresee and control the demands we make on the environment and on our resources of energy.

The Ontario Government, to its credit, is—or was—moving to create such a mechanism. It promised legislation nearly two years ago—the first government in Canada to do so—requiring environmental impact assessments of proposed projects expected to have a significant effect on the environment. But we are still waiting.

An environmental impact assessment is a study of a project's anticipated effects upon the natural and human environment, its use of energy and other resources and possible alternatives to it. It is a planning aid which measures the direct and indirect costs of a project in terms of environmental degradation, waste of energy, and social disruption.

These indirect or hidden costs have rarely received any consideration by the project developer and have usually been left to be paid by the local community or future generations.

In the words of John Fraser, Progressive Conservative MP for Vancouver South and former environmental critic for the Conservative party, this "concept is so essentially sensible that the wonder ought to be that its proponents have had to fight so hard to gain acceptance for the proposition."

But if an assessment is just another formal requirement to be met before a project is approved—a piece of paper to be filed with a government department and forgotten—it will be useless. What we need is a public forum where we can get answers to such questions as where and how should this project be built so as to do the least damage to the environment and to make efficient use of energy and resources? Or, all things considered, should this project be built at all?

Embarrassing silence

Despite recent promises regarding environmental impact assessment legislation, the Ontario Government has of late fallen into an embarrassed silence on the subject.

Conversations with Environment Ministry officials suggest that the delayed legislation will be weak. The procedures it sets up will be discretionary, like much of our present environmental legislation. They would give the Government powers to use as and when it sees fit, but which it could not be called to account for failing to use or for misusing.

This results in certain deficiencies.

First, consider a project where no assessment is done—either because the Government decides the project is too small or for another reason.

For example, with the Pickering Airport, no federal studies were done to determine what the project's environmental effects and energy consumption would be, or to consider whether the cost of the airport—in loss of prime farmland, in the spread of urban sprawl, in disruption of local communities—would be worth it, or whether we should turn to other means of transportation.

There was no way for concerned citizens to force an environmental assessment to be done. The massive public pressure that was brought to bear against the airport did no more than bring about a "slow trial". Because the objectors did not have the necessary funds to properly present their case, because damaging information was kept secret and because the decision to build the airport had already been made, the hearing was a farce.

As a Globe and Mail editorial noted at the time, "When minds close, inquiry is futile."

Second, let us suppose that an assessment has been done, but it is inadequate. Such is the case right now with regard to offshore drilling in the Arctic. Studies have been done stressing the positive aspects—the economic benefits to accrue from the oil and gas, the safety precautions which the oil companies have promised to take—with only crude and limited consideration of environmental factors.

Yet we know that even if all existing safety measures were carried out carefully and consistently there may be an environmental disaster of gigantic proportions, such as an oil well blowout, whose consequences could extend to a change in the climate of North America.

Third, let us suppose that an assessment has been done and it is a good one as far as it goes. But it deals only with the particular project, not with the rationale behind the entire program of which the particular project is a part.

For example, the Ontario Government has committed itself to the increasing use of nuclear power. A second nuclear generating station has recently been approved for Pickering and at least nine other stations and plants are expected to be built by 1990.

This commitment has been made in spite of serious risks: the danger of an accident discharging large quantities of radiation; the cumulative effects of routine discharges of low-level radiation; the rising incidence of lung cancer in uranium miners; the yet-unsolved problem of how to dispose of highly radioactive wastes.

Under these circumstances, if environmental impact assessments are done for nuclear plants they are likely to deal only with the question, "Where should this particular plant be located?" By then it will be useless for them to try to deal with the really vital question, "Are the risks inherent in nuclear power too high to be acceptable?"

Could be undercut

The commitment to go nuclear will already have been made. Yet unless such questions as this are given serious consideration, early enough in the planning process for the answers to influence the decision, the whole process of environmental assessment will be undercut.

Environmental impact studies for such things as nuclear plants and drilling proposals must look at alternative, non-polluting sources of energy. At present, almost all of the research being done by both government and industry on energy is concentrated on the traditional expensive sources.

Finally, let us suppose that the assessment is well-researched and objective, but that the Government proceeds with the project despite the assessment's warnings of major environmental damage. With discretionary procedures there is no way for citizens to force the Government to heed the recommendations of its own report, nor even to force it to make the report public.

In short, discretionary environmental impact assessment procedures can be emasculated when it is administratively or politically convenient to do so. They are a wide-meshed net, from which it is far too easy for environmentally devastating projects to escape—by accident or design.

For example, in November, John Rhodes, Minister of Transport and Communications, announced a major extension of the Don Valley Parkway, without any prior debate or public consultation. One day earlier, the Canadian Environmental Law Association had received a letter from Mr. Rhodes regarding his ministry's position on environmental impact assessment. It stated in part:

"Since 1971 our ministry has been developing its own in-house methods, procedures, and staff towards the objective of fully integrating environmental assessment and public participation into each phase of project development from planning through to operation. We adopted this approach in a voluntary sense in that there were no legislated requirements at that time. In other words, this ministry has been evolving ways of meeting the intent of the Ontario legislation (on environmental assessment)."

Apt expression

Considering the secrecy surrounding the planned highway extension, Mr. Rhodes' choice of the word "evolution", to describe the change which in-house procedures have brought about in his ministry's decision-making process, was an apt one.

The change from business as usual is so slight as to be invisible to the naked eye, and so slow that the time that will have elapsed by the time Mr. Rhodes' stated objectives are reached will have to be measured on a geological time scale.

We need laws which do not merely give the Government the power to protect the environment—power which it may or may not choose to exercise. Environmental laws must be enforceable in the courts by citizens, if for one reason or another the Government does not act responsibly. Otherwise, they are of limited value.

Governments to date have tended to view environmental impact assessment as a management technique—management of the environment, management of natural resources and, not least, management of public opinion. Their provisions for public participation have accordingly been, by and large—as Richard Soberman, transportation consultant for Metro Toronto, said in reference to the Pickering Airport inquiry—"public manipulation".

This does nothing to enhance confidence in government. The suggestion that citizens wait until the next election is not good enough. In the intervening time, a destructive project can move ahead, doing irreversible damage to the environment.

An environmental impact assessment process, guaranteed by law, would be the intelligent translation of society's environmental values into action. A discretionary procedure would be an environmental bill of goods—no substitute for an environmental bill of rights.

Participation seen as political headache

GLOBE & MAIL - Monday, September 24, 1973

Public to be excluded from federal environment study

By PETER WHELAN

The public is to be excluded from Canada's first federal program of environmental impact studies, contrary to the advice of an Environment Ministry task force.

After a five-month study, the task force of senior ministry experts proposed an extensive system for Government review of projects with significant environmental impact.

It would include a new environmental impact assessment act, an independent environmental review board—"a non-partisan independent body without vested interests"—and broad areas for public participation.

Instead, Environment Minister Jack Davis has opted for an administrative apparatus totally within the ministry, with no independent board and no public input.

The report of the 13-member Task Force on Environmental Impact Policy and Procedure was not intended for publication but a copy became available through the Toronto-based Canadian Environmental Law Association.

Recently, the ministry announced it is putting finishing touches on the current proposal, to be presented for Cabinet approval within a few months.

In an interview, assistant deputy minister A. T. Davidson insisted the door has not been closed on public participation at a later stage. He admitted it is a knotty problem.

"The question is not resolved, even in our own thinking. We have not foreclosed any of the options, but this one is largely a political issue."

Jack Davis

The ministry is looking with no relish at the situation in the United States, where broad public participation in environmental impact questions has led to heated confrontations on such questions as sites for nuclear and hydro-electric power plants. It clearly does not want to import a system with so many political headaches.

As for the task force report, he said civil servants can make recommendations, but the decisions are up to their superiors. This question is one a number of Cabinet ministers will have strong views about, he suggested.

"We're trying to develop this program internally, on the bureaucratic level, because if the bureaucrats can agree on it, maybe the Cabinet can."

The ministry clearly has big hopes for the proposed program. Officials suggested earlier last week that, had it been in force several years ago, it probably would have ruled out Pickering as the site for Toronto's second major airport. And it might have helped Ottawa force Quebec into public environmental studies of the huge James Bay hydro-electric project.

Joseph Castrilli, of the law association's environmental impact study group, said the Davis plan "is obviously better than what we have now, which is nothing." But it also leaves the Government free to use it only on projects it finds "politically acceptable for criticism."

The task force report was based on studies which extended to the provincial Governments, the United States, Great Britain and Holland.

It proposed strong federal leadership in impact assessments across the country, starting with "all federal actions with potential for significant environmental impact." Required impact reports would later be extended to other actions controlled by the federal Government "and eventually, with provincial assent, to those under provincial jurisdiction."

"The policy shall provide for appropriate public information and participation in hearings and in review of statements," the report suggests.

The proposed environmental review board, which Mr. Davis has rejected, could be established as a Crown corporation like the Science Council "to confirm its independence," the task force suggested.

It would report to the Cabinet through its chairman and the Environment Minister, but would in no way be part of any department, "to confirm its disinterest."

While it would administer the proposed new law, it would make recommendations to the Government, rather than final decisions.

The cost of the whole program might be .2 per cent to .5 per cent of the capital investment in projects reviewed. This would be $8-million to $20-million a year if the Government portion of the economy were included, or $40-million to $100-million of the whole national economy.

No estimates have been released of the cost of the program Mr. Davis plans to adopt.

Open door on environment

Federal Environment Minister Jack Davis must clarify the apparent disparity between the advice of his expert officials and his announced intentions for a system of environmental impact studies of proposed development projects. The report of the experts, not intended to be made public, recommends a system for general public input in any investigation, and a reviewing authority that would be independent of any government department. Mr. Davis, according to earlier reports, wants a system built into the existing administrative machinery, with little or no public involvement in the decision-making.

The issue is a serious one, and there are arguments on both sides of it. What Mr. Davis proposes is basically a four-stage procedure to be applied step by step from conception to realization of a development. First, a preliminary environmental assessment, before there is any decision to go ahead. Second, a more detailed study, including the possibility of alternatives, if the first review indicates problems to be expected. Third, a continuing assessment during the construction phase, and finally an over-all analysis which would evaluate the experience for future application.

Theoretically, any project could be rejected at the outset on environmental grounds. According to one government official, the proposed procedure would have ruled out Pickering as the site for Toronto's second international airport. Even after there had been a decision to go ahead with any major project, there would be authority to change the plans as necessary to prevent environmental damage.

All this seems at first glance sound enough, if overdue. Certainly, as Joseph Castrilli of the Canadian Environmental Law Association observed, Mr. Davis' proposal "is obviously better than what we have now, which is nothing". The minister is also trying to avoid the experience in the United States, where public involvement in environmental issues has produced a series of confrontations and conflicts between the general social interest, as defined by government planners, and local private interests.

The weakness of the purely bureaucratic approach, however, is that the weight given the various factors in any decision is not known to the public. The government may have a strong vested interest in going ahead with a project, whatever the environmental objections to it. The James Bay hydroelectric project undertaken by Quebec Province is a case in point; it is impossible to imagine that Premier Robert Bourassa would stop development now unless environmental studies (which were started after the beginning of construction) indicated catastrophic consequences. A major development can do far less damage than that and still be undesirable when there are alternatives such as, in the case of hydroelectric schemes, nuclear power.

In explaining his policy, Mr. Davis pointed out that many government projects had been stopped on financial grounds, "but environmental checks have never been given a similar rating and they should, because so many considerations, including other people and other areas, are inevitably involved. . . . The key to environmental assessments is not to produce a lot of impact statements but to get the information on environmental impact used in the decision making."

The argument is plausible as far as it goes, and certainly environmental effects should be considered from the outset of any project. But unless the government is prepared to publish all its studies as they are prepared, the public can never be sure in the end what criteria and their interpretation tipped the balance of decision one way or the other. It would be much better to have provision for effective public participation where questions can be asked and answers demanded.

The Globe and Mail

WEDNESDAY, JUNE 25, 1975

Law group urges early 2nd reading of environment bill

By PETER WHELAN

The river rapids of Sault Ste. Marie, the white beans of Huron County and the town of Temagami are all threatened by lack of environment impact legislation spokesmen from the three areas said yesterday.

They talked at a day of meetings designed by the Canadian Environmental Law Association to press for early second reading in the Legislature of the Ontario's first bill to establish impact studies the Environmental Assessment Act.

The bill with amendments likely will be called for second reading later this week Environment Ministry officials said. It has been pushed back by other legislation since last Friday—something the association was not told when it set up its pressure meetings.

The association of lawyers and laymen has campaigned across the province for impact legislation. Now it wants early implementation of a bill it calls flawed but better than none at all.

The legislation would require studies and in some cases public hearings over the environmental social and economic impacts of new projects.

Harry Graham, president of the Save Our Sault Rapids Society, felt such a study might lead the Government to block a Great Lakes Power Corp. hydroelectric project that would drown the Sault rapids. The rapids are "one of the most phenomenal fish producing areas in the province" and last of the white water plied by early voyageurs, he said.

He told a press conference the private company could add as much electrical production by expanding its present power facilities at Sault Ste. Marie without affecting the rapids. "The company will not listen."

Philip Durand, chairman of the Ontario Bean Marketing Board, and Adrian Vos of the Huron power plant committee, argued that an impact study would show that an Ontario Hydro nuclear plant along Lake Huron in Huron County would threaten 52,000 acres of white beans.

White beans are sensitive to air pollution and clearly would be threatened by the power plant and other industry that inevitably would follow it to the area, they said.

Hydro has designated a 35-mile strip along the lake in which it might locate a nuclear plant.

George Hendrikson, vice-president of the Temagami Chamber of Commerce, said that Ontario Government inertia is allowing expansion of the Sherman iron mine to destroy his village of 750.

Open-pit digging and blasting have moved to within 500 feet of the village—and all the Government does is welcome people to move to a new townsite four miles northward, he said.

"The Government is not telling us to move north, but it wants us to and is stalling us along."

He said the village has been able to get no provincial action for sewers and water service requested since 1968. In the interim, cost estimates have risen to $3-million from $800,000.

Mr. Hendrikson, a trading post operator, said Temagami has "a fantastic service industry" for the tourist trade. "But we're little people fighting a giant (the mine) and the Government is on the other side."

The impact bill as proposed could not be applied immediately to either the Sault or Temagami projects. The Government has indicated the legislation will cover only projects of the province and Crown agencies for a trial period. Private projects would be affected only at some unstated future time.

The London Free Press

Tuesday, April 1, 1975

Environment legislation 'blatant hypocrisy'

By Harold Greer

(The writer is a syndicated columnist based at Queen's Park.)

TORONTO — The Ontario government has introduced, after much agonizing and many reports of internal cabinet dissension, its environment assessment act, claiming as usual that it is the best, the most progressive legislation of its kind in the world.

"We intend to continue to lead the way in the introduction of programs and policies which will protect our natural environment," Environment Minister William Newman told the legislature." I am certain that this legislation will stand as an example for other jurisdictions throughout the world which are as concerned as we are here in Ontario with the protection of the environment."

If so, we must pray for the environment. Gar Mahood, executive director of the Canadian Environmental Law Association, declared himself after studying the bill to be "absolutely dumbfounded" and one can hardly quarrel with him. This legislation truly boggles the mind, not only for its blatant hypocrisy but for its Orwellian surrealism. If this bill is enacted as it stands, Big Brother has arrived in Ontario.

"Environmental assessment" is nothing more than a precious name for a legal and administrative scheme whereby the impact of new development projects is required to be comprehensively studied and approved before the projects are allowed to go ahead. Such regimes exist in the U.S. and appear to be based on three essential principles: that there be public awareness of the proposed project; that the assessment be done by an independent commission or board of experts according to known criteria, and that persons who can show they will be affected by the proposed project have the right to appear at the assessment hearing and make representations.

Setting aside the fine print for the moment, the Ontario government's bill would require that the assessment be done by the developer himself and submitted to the minister of the environment for approval before the project is begun.

The minister would then have his officials review the assessment and notify the developer, and the clerk of the municipality or municipalities where the project will be built, of where the assessment and review may be inspected. There is no requirement that the minister or the clerk of the municipality make any public announcement. However, any person may inspect the documents if he or she manages to hear about them, and may make submissions thereon to the minister.

The minister then considers the whole matter and, with the approval of the cabinet, either allows the project to proceed, turns it down, or allows it subject to terms and conditions.

Here things get very tricky indeed.

The bill would create an environmental assessment board of at least five persons appointed by the government but from outside the civil service. This board would, on direction from the minister, hold hearings and advise — repeat advise — the minister as to whether any environmental assessment referred to it should be approved, disapproved, or approved with conditions. The minister would not be bound by the advice.

But on what grounds does the minister even direct the board to hold hearings? The bill mentions only one situation: Where the minister informs a developer that he intends to amend the developer's environmental assessment, the developer may, if he wishes, require that a board hearing be held.

There is no provision for a board hearing where the minister simply turns the assessment down. Indeed, if one reads the bill carefully, there is no clear authority for the minister to turn an assessment down. He can amend it but not reject it.

Harold Greer

Mr. Greer's syndicated column is also carried by the Windsor Star, Kitchener-Waterloo Record, Hamilton Spectator, Kingston Whig Standard, Brantford Expositor, and Montreal Star among others.

According to environmental minister Newman, only Ontario government developments will be designated in the first year or two after the legislation is passed. Whether it is ever extended to the private sector, he said, will depend on experience with the public sector.

Perhaps it's just as well: Even polluters should be spared the arbitrary autocracy which infuses this masterpiece of legislative ineptitude. The bill will apply to such "major" commercial or business projects as may be designated by the government by regulation; it then authorizes the government to define any development as a "major" one. For the purposes of the act, a "public body" is whatever the government says it is.

Perhaps the most incredible concept, however, is the definiton given to the term "environment", upon which everything else depends. "Environment" means not only the physical environment but the "social, economic and cultural conditions that influence the life of man or a community."

In short, it means everything and the legislation if it means anything, proposes to give the government power to control everything. Does the good grey Tory government really intend that? Of course not. Ergo, it intends nothing.

This may be simply bad draftmanship as a result of dissension on the measure. Certainly the bill is replete with non-sequiturs; one of the courses of action open to the minister after he has accepted an environmental assessment, for example, is to "refuse to give approval to proceed with the undertaking."

But the intention quite clearly is to go along with the developers. It can hardly be an oversight that the bill makes no provision for an appeal to the assessment board by opponents of a project in cases where the minister sides with the developer. It can hardly be an accident that when the board is directed to hold hearings, there is no requirement in the proposed legislation that opponents of a project must be heard.

In short, the act is a farce — and ludicrously so when one gets to the fine print and discovers that it will apply to all development projects, public and private, as may be designated by the government in regulations. If the government designates nothing, the act applies to nothing.

Independent assessment board virtually rejected by minister

By PETER WHELAN

Environment Minister James Auld had four suggestions yesterday for Ontario's first system of environmental impact studies but it quickly became clear that he has no faith in at least one of them.

At a press conference Mr. Auld all but ruled out the idea of an independent environmental assessment commission whose decisions could not be appealed.

The minister admitted the independent commission had been included among the options in his green paper on impact studies because it was felt environmental activists would complain.

The green paper and the minister in his comments carefully avoided commitment to any of the options.

But the independent commission was all but doomed by one sentence of the paper: "(Its) establishment outside of existing governmental structures with the power to make a final decision is inconsistent with one of the fundamental principles of the parliamentary system, i.e. accountability of decision makers to the Legislature."

Could the commission ever be adopted? "You never know" what would happen if a strong and general public reaction supported it, he said, without much conviction.

The impact studies are designed to identify possible environmental damage from new projects, both public and private, in advance, then take steps to mitigate it.

The green paper's three remaining options on the key question of who makes the decisions are:

A new "independent" hearing agency, but subject to appeal to the Cabinet.

The Environment Minister for approvals of a project, the Cabinet for rejections.

On major projects, the Cabinet after hearings by special commissions of inquiry.

Mr. Auld said he has preferences, but will not make them public until later. He wants to hear public reactions first and has set a Nov. 1 deadline for written briefs.

Early reactions to the green paper were cautious but favorable.

Ted G. Davy, commercial intelligence manager for the Canadian Manufacturers Association, said after listening to Mr. Auld's explanations that he considers impact legislation "inevitable but to a great extent highly desirable."

The Sierra Club of Ontario is satisfied that the green paper offers enough options—the question is whether the Government will select one strong enough, president Philip Lind said.

He and David Estin, general counsel of the Canadian Environmental Law Association, both want to see some sort of review board, but Mr. Lind flatly rejected the totally independent commission approach which apparently was included in the options to please the environmentalists.

Toronto Star 10 May 1974

Independent board advocated to decide pollution charges

BURLINGTON — An environmentalist yesterday advocated an independent body similar to the Ontario Municipal Board to rule on complaints of pollution and situations and projects potentially dangerous to the environment.

David Estrin, one of the founders and now general counsel of the Canadian Environmental Law Association, was speaking on the need for meaningful environmental impact law in the fourth of a series of lectures at the Canada Centre for Inland Waters.

Estrin said there were now laws covering many of the common sources of pollution but there is no legislation upon which to rule on such potentially dangerous projects as dams, highways, nuclear plants and other major revisions of the natural state which might have a profound effect on the evironment.

There is an overriding need to codify these matters into legislation that will make mandatory a study of all projects that might have significant environmental impact, he said.

Administrative procedures are not good enough, he said, because they are subject to political expediency. They must be backed up by statute.

With legislation established, there would then be the need for a politically independent, autonomous board with absolute authority to rule on complaints and with the power to order an environmental impact assessment whenever it deemed it advisable.

Politicians all too often glossed over the potential dangers inherent in certain projects or proposals in order to gain short-term benefits, he said.

"There should be full public access to all information pertaining to any situation," Estrin said. "Any citizen should have the right to appear before the board to criticize what is being proposed and to put forth his views before a decision is taken."

Only in this way can we be sure that every precaution is taken to protect the environment from possible irreversible damage, he said.

The Globe and Mail

WEDNESDAY, MARCH 26, 1975

Ecology group is skeptical of impact law

By PETER WHELAN

The only thing the Canadian Environmental Law Association likes about the Environmental Assessment Act, 1975, is the title.

CELA yesterday condemned Ontario's first legislation to assess in advance the environmental cost of projects as confirmation of its worst fears: "the public would have no say in protecting the Ontario environment."

"We are hard pressed to describe how bad this legislation is," executive director Gar Mahood said at a press conference.

CELA maintained the bill, introduced in the Legislature on Monday, gives Environment Minister William Newman the right to act but imposes no responsibilities.

"There would be no difference between what this legislation requires and what goes on now on an ad hoc basis," Mr. Mahood said. At best, this was: "The Government, under political pressure, sets up an environmental impact study."

The legislation would not affect the controversial Pickering airport, Nanticoke-to-Pickering Hydro corridor or Spadina Expressway projects, CELA counsel Heather Mitchell said.

Association counsel John Swaigen said it appears the law would be "run by regulations," and even what the present format might do is unclear until those regulations are passed, "in private by the Government, and not with public impact directly."

This approach gives the Government "the best of two worlds" in connection with the coming provincial election: "the type of legislation they want, later, and the best political impact now," Mr. Mahood said.

The bill would require—in time—companies, municipalities and Government ministries and agencies to prepare an environmental assessment before their major projects are approved. Mr. Newman said outside the House that only Ontario Government projects would qualify at first.

Much is left to the discretion of the Environment Minister—a junior minister called on to judge the projects of senior ministries, CELA emphasized. The association foresaw political deals rather than open assessments, openly reached.

The bill provides for public access to information involved in impact studies, but leaves no openings for individuals or organizations to insist on hearings before a special hearing board to be established.

CELA, an organization of lawyers and laymen, claims to have support from more than a dozen municipalities, including the City of Toronto, and citizen groups representing several hundred thousand people for a set of impact-study principles. The Government has failed to meet the principles, it says.

Yesterday the association proposed eight amendments to the bill which it called crucial—and which would virtually make it a different bill.

The points included:

—Review by an independent board or the courts of an Environment Minister's decision to have no impact study of a project;

—The right of any private citizen affected by a project to require a public hearing by an independent board;

—Notice of a project to all those affected;

—Application of the bill immediately to all major private projects;

—Assistance to citizens preparing a case against a project;

—Public participation in composing regulations if they determine how the Government is to apply the law;

—Binding decisions by an independent assessment board, unless overruled by a court or finally, the Legislature.

The bill "is a book with a pretty cover, but nothing much inside," Miss Mitchell said.

Participation seen as political headache

GLOBE & MAIL - Monday, September 24, 1973

Public to be excluded from federal environment study

By PETER WHELAN

The public is to be excluded from Canada's first federal program of environmental impact studies, contrary to the advice of an Environment Ministry task force.

After a five-month study, the task force of senior ministry experts proposed an extensive system for Government review of projects with significant environmental impact.

It would include a new environmental impact assessment act, an independent environmental review board—"a non-partisan independent body without vested interests"—and broad areas for public participation.

Instead, Environment Minister Jack Davis has opted for an administrative apparatus totally within the ministry, with no independent board and no public input.

The report of the 13-member Task Force on Environmental Impact Policy and Procedure was not intended for publication but a copy became available through the Toronto-based Canadian Environmental Law Association.

Recently, the ministry announced it is putting finishing touches on the current proposal, to be presented for Cabinet approval within a few months.

In an interview, assistant deputy minister A. T. Davidson insisted the door has not been closed on public participation at a later stage. He admitted it is a knotty problem.

"The question is not resolved, even in our own thinking. We have not foreclosed any of the options, but this one is largely a political issue."

Jack Davis

The ministry is looking with no relish at the situation in the United States, where broad public participation in environmental impact questions has led to heated confrontations on such questions as sites for nuclear and hydro-electric power plants. It clearly does not want to import a system with so many political headaches.

As for the task force report, he said civil servants can make recommendations, but the decisions are up to their superiors. This question is one a number of Cabinet ministers will have strong views about, he suggested.

"We're trying to develop this program internally, on the bureaucratic level, because if the bureaucrats can agree on it, maybe the Cabinet can."

The ministry clearly has big hopes for the proposed program. Officials suggested earlier last week that, had it been in force several years ago, it probably would have ruled out Pickering as the site for Toronto's second major airport. And it might have helped Ottawa force Quebec into public environmental studies of the huge James Bay hydro-electric project.

Joseph Castrilli, of the law association's environmental impact study group, said the Davis plan "is obviously better than what we have now, which is nothing." But it also leaves the Government free to use it only on projects it finds "politically acceptable for criticism."

The task force report was based on studies which extended to the provincial Governments, the United States, Great Britain and Holland.

It proposed strong federal leadership in impact assessments across the country, starting with "all federal actions with potential for significant environmental impact." Required impact reports would later be extended to other actions controlled by the federal Government "and eventually, with provincial assent, to those under provincial jurisdiction."

"The policy shall provide for appropriate public information and participation in hearings and in review of statements," the report suggests.

The proposed environmental review board, which Mr. Davis has rejected, could be established as a Crown corporation like the Science Council "to confirm its independence," the task force suggested.

It would report to the Cabinet through its chairman and the Environment Minister, but would in no way be part of any department, "to confirm its disinterest."

While it would administer the proposed new law, it would make recommendations to the Government, rather than final decisions.

The cost of the whole program might be .2 per cent to .5 per cent of the capital investment in projects reviewed. This would be $8-million to $20-million a year if the Government portion of the economy were included, or $40-million to $100-million of the whole national economy.

No estimates have been released of the cost of the program Mr. Davis plans to adopt.

Environment Canada Environnement Canada

Source Hamilton Spectator Date MAY - 2 1974

Page.... 3

Too much grey in green paper on pollution control

By RON DENNIS
Spectator Staff

TORONTO — The Ontario government's proposed environmental assessment legislation does not go far enough to ensure the public will be protected against environmentally unsound projects, a Canadian Environmental Law Association representative said yesterday.

Joe Castrilli was commenting on the legislation — to be passed during this sesssion of the legislature — at the annual conference of the Pollution Control Association of Ontario.

HE CRITICIZED the government's green paper on environmental assessment procedures for its "large grey areas." In such areas, regulations, guidelines and administrative discretion will be the detemining factors as to whether an environmental assessment should be prepared for a project, he said.

"Such a discretionary screening mechanism with no procedure for appeal, will tend to eliminate assessment of large numbers of small developments which, in the long term, could have an overall impact on the environment exceeding that of the large projects," he said.

Mr. Castrilli also criticized Energy Minister Darcy McKeough and the Ontario Energy Board in their deliberation over Ontario Hydro's current application for expansion of facilities in the period 1977 to 1982.

HE SAID Mr. McKeough's decision to exclude environmental matters from their terms of reference left little for an environmental review board to assess. "The board would have nothing to decide except which parts of the Ontario environment shall be sacrificed to power stations, corridors and related development," he said. "It is therefore our view that the public's right to participate in the determination and enforcement of environmental impact assessment must be codified as a strict duty of government."

Mr. Castrilli outlined some recommendations his association has made about the legislation:

- An independent and powerful environmental review board is a prerequisite to public confidence in the new procedures and early notice of any proposed project must reach all those interested and likely to be affected.
- Any citizen must be able to require the board to consider whether a project needs assessment and, if one is done, whether it is adequate. Public access to all information on proposed projects must be guaranteed.
- Public or private funds must be made available to objectors and the originator of a project should prepare and pay for the project's assessment.

"Over the years, we have too often discovered that the Queen can do no wrong, especially to the environment — or that the equities must be balanced especially against the environment or that nobody has standing to sue to prevent the Queen from doing no wrong to the environment," Mr. Castrelli said.

"If government — provincial or federal — is serious about its preventative strategy with reference to environmental assessment, then it must end its monopoly over the tools for environmental protection and control."

☐ Fisheries/Pêches ☐ Wildlife/Faune ☐ Pollution

☐ Forestry/Forêts ☐ Meteorology/Météorologie

Other/Autre ENV. File/Dossier 3

Pollution control – green paper

Canada has well-documented environment disasters

Canada will have the best-documented environmental disasters in western civilization, according to Donald Estrin, general counsel for the Canadian Environmental Law Association, because various governments have been too slow to realize that environmental impact assessments must be carried out before projects begin.

Estrin, speaking at the Canada Centre for Inland Waters in Burlington, said the government has shown ignorance of the fact that the environment can't stand continual development pressure. His lecture was the fourth in a continuing series of talks on unifying principles in multi-disciplinary environmental research.

He said that when environmental impact assessments are carried out, in many cases the evidence is discarded if it conflicts with "economic empire building." He said the impact assessment is often carried out after the project actually begins—as with the Quebec government's James Bay hydro project.

Estrin said there should be strong laws requiring environmental impact assessment hearings to be carried out before proposed projects are started. He said an independent environmental review board, whose members serve for a fixed term, should preside at such hearings, and make sure that all data is made public and the members of the public have access to funds to make their views known.

In Ontario, Estrin said, the Environmental Protection Act is concerned only with the emission of contaminants. Thus, he said, such projects as dams, highways, or similar developments are not legally required to be scrutinized at an environmental impact assessment hearing, even though they could lead to secondary development that could have a serious effect on the environment.

He also warned of the importance of giving careful consideration to smaller projects that may not have a large effect in themselves, but open new areas of development. For instance, Estrin said, the first subdivision in an area can have profound social and physical effects on an urban area.

If there is no procedure for carrying out environmental impact assessments, a series of small projects can eventually erode large resource values, he said. The danger lies in the trend to resolve issues in favor of those with economic interests in a project, Estrin said.

Estrin said the greatest problems may result from decisions taken at the lowest level of government.

"It's easier to tell a developer he can't dam the Grand Canyon than to tell a developer not to fill in an acre of marsh," he said.

Burlington Gazette 15 May 1974

HAMILTON SPECTATOR 10 May 1974

Bill of rights proposed for evironment law

An environmental bill of rights should be implemented in Canada, a Toronto lawyer said in Burlington yesterday.

David Estrin, general counsel for the Canadian Environmental Law Association, told a group of technologists and researchers in the Canada Centre for Inland Waters the concept is far overdue.

Citing civil courts, Mr. Estrin said the legal procedure for a complainant is to prove he is affected by a certain incident more than anybody else.

"It is illogical and archaic because environment affects us all equally," he said.

MR. ESTRIN said environmental complaints should be placed in front of a powerful independent board, which ideally would have the final decision in the matter.

If the decision is in dispute with the government, it could always override the verdict with legislation.

Mr. Estrin said the law would primarily deal with major governmental projects such as dams, highways and airports which could have an impact on the environment.

"THERE IS no law to cover the effect of a new highway or dam that doesn't pollute," he said.

He said the government should give early notice of all major projects, and the public should be able to have access to all pertinent information about it.

"If you want to get the law enacted, you should get involved with the political process," he said.

MEMORANDUM

To: National Executive Committee

From: Gar Mahood

Re: NEC Meeting, Open House, Handbook, Logo

Date: September 27, 1973

Please plan to attend the next NEC meeting Thursday, October 4th at 5:30 p.m. at Ramsay Wright, Room 432. Supper will be served. Items on the agenda will be working budget, Open House, Handbook release date, directed fees, and environmental impact group proposal.

The Open House will be held Wednesday, October 10th from 5:30 to 9:00 p.m. in our office. Please attempt to keep this time open as this could prove to be an important CELA date. Many University of Toronto people could attend and, if handled right, we could generate considerable University and political support here. We need all the support that we can muster on this occasion. The "heavies" will be present from 5:00 to 7:30 and CELA members from 7:00 to 9:00. A sample invitation is enclosed.

This is the first time that many of you have seen the new letterhead and logo. The abbreviated rationale behind the logo in enclosed. Your comments on the logo, invitation and letterhead would be appreciated.

The Environmental Impact Group seems to have the media interested in what they have to say. The enclosed copies will illustrate their work toward meaningful environmental impact legislation.

Remember: Annual CELRF - CELA meeting, November 12, 1973. Please take note.

Globe & Mail- Friday October 26, 1973

Scrutiny of all projects sought to ensure environmental defence

The Canadian Environmental Law Association wants all projects—both public and private—that could have a significant effect on the environment, scrutinized by an independent board.

The board would have the right to approve, reject, or approve subject to terms, any proposals brought before it.

The association, in a brief to the Ontario Ministry of the Environment, states that new legislation must require social and environmental assessment studies and cost-benefit analyses before a project is approved if it is likely to have significant impact on the environment.

The association wants the assessments carried out by an independent and powerful review board that would sit like a court. Decisions could be appealed to the Legislature, or, on points of law, to the courts.

The proposals are put forward by the association in response to the Government's green paper on environmental assessment.

The brief expresses concern for a system that would ignore the cumulative effect of many small projects that would pass without assessment. The effect would be to "delude the public into thinking that pollution and environmental degradation are being stopped."

The association wants any person to be able to call for a review of any project and it suggests that public funds (perhaps through legal aid) should be made available to help the public in its fight to protect the environment. It also suggests that civil servants be required to assist the public by giving expert advice. To put some controls, the brief suggests that limited costs be charged if complaints or objections are clearly frivolous.

The association suggests that the three major political parties each appoint one-third of the board members.

THE TORONTO STAR, Thur., Aug. 30, 1973

Bar Association wants public to have legal right to stop pollution

Special to The Star

VANCOUVER — Ordinary citizens should have the power to halt projects having a "significant" environmental impact until they are reviewed at public hearings, the Canadian Bar Association said yesterday.

At the same time, the delegates agreed, anyone should have the legal right to ask either the courts or government agencies to re-examine big projects and enforce regulations covering them.

The third part of the resolution, passed by a vote of 106-70 after a bitter two-hour floor fight at the association's 55th annual meeting, requires the backers of such projects to undertake, pay for and publish the results of environmental impact studies.

The delegates earlier adopted watered-down versions of two resolutions—one demanding compulsory continuing education for lawyers and the periodic retesting of their competence; the other rebuking the courts and lawyers for failing to adapt to society's needs to the point where they can no longer adequately cope with family law, small claim and personal injury cases.

What finally passed was a resolution that the provincial governing bodies develop "incentives" for contining education and "disciplinary and corrective procedures" for dealing with incompetent lawyers. The scolding of the courts was reduced to an appeal to them to do better.

It was the resolution on the environment that generated most of the day's heat.

It pitted the corporation lawyers against the association's younger radicals—the B.C.-Alberta oil and gas company counsel and the Toronto-based eastern establishment against reformers from British Columbia, Saskatchewan, Ontario and the Maritimes.

It was the first time in memory that the reform wing of the bar had ever slugged it out with the traditional leadership on a major controversial issue and won.

Bradley E. Crawford of Toronto said that if there are problems with projects, the people to go after are the regulatory agencies, not the developers.

Charles Williams of Vancouver denounced the proposal as "ill conceived . . . illegitimate and totally incomprehensible."

He said the wording would entitle anyone to demand a public hearing "before I get a license for my car to pollute the air, or before my neighbor can light his barbeque because the smoke blows over into my yard."

David Estrim, general counsel to the Canadian Environmental Law Association, said he hopes the Ontario government will use the resolution as a yardstock for the environmental impact guideline it plans to produce some time this fall.