

A Chronological Guide to Environmental Deregulation in Ontario

Kathleen Cooper, CELA Researcher

Since taking office in June of 1995, Ontario's Tory government has racked up an impressive list of actions to dismantle the environmental safety net. Moving very quickly and with very little consultation the government has dismantled 30 years worth of safeguards to protect the environment and conserve natural resources. This agenda serves the exclusive interests of land developers, polluters and resource extraction industries. Repeated public opinion polls indicate little or no support for this environmental deregulation and natural resource privatization. (For more information on public opinion, go to CELA's web site at <http://www.web.net/cela>, click on the special report on "Trashing Environmental Protection in Ontario" and look for the link to "Polls".)

Most of these changes were made or initiated during the government's first year and a half in office when public and media attention was largely focused on massive cuts in social programs, the brutal effects of which are still being felt by Ontario's most vulnerable people.

The following list summarizes many of the Ontario government's environmental decisions. In many respects, this is an update of the CELA Special Report, "Cutting Ontario's Environment," we issued in tabloid format in April, 1996.

July to December, 1995

- ▶ Cut in funding for agricultural land trust to protect Niagara Fruit Belt from urban development.
- ▶ Repeal of ban on municipal solid waste incinerators; municipalities are now able to consider incinerators as waste disposal option.
- ▶ Cut in support for hazardous waste reduction, conservation programs, blue box recycling, and promotion of green industries.
- ▶ Large cuts to public transit; but over \$100 million provided for highway projects in Hamilton and Ottawa.
- ▶ Termination of the Ontario Round Table on Environment and Economy, the Advisory Committee on Environmental Standards, the Environmental Assessment Advisory Committee, and the Municipal-Industrial Strategy for Abatement Advisory Committee, effectively cutting off four important avenues of public and impartial expert involvement in decision-making on environmental public policy.
- ▶ First round of cuts to Ministries of Environment and Energy, Natural Resources, Northern Development and Mines, and Transportation. Large cuts to environmental research grants, monitoring, testing, standards development and enforcement, forest management programs, conservation authority transfer payments (70% cut), Niagara Escarpment Commission (50% of staff cut).

- ▶ Quietly — and without the required posting to the Environmental Registry — passage of a regulation exempting Ministry of Finance for 10 months from *Environmental Bill of Rights* public notice and comment requirements; Environmental Commissioner Eva Ligeti files special report in the Legislature condemning the move.
- ▶ Minister of Natural Resources opposes federal time-line for phase-out of lead in shot for water fowl hunting.
- ▶ Unsuccessful attempt to illegally remove environmental and labour representatives from Ontario Hydro Board of Directors.

January to June, 1996

- ▶ Passage of Bill 26 (the *Omnibus Bill*) which amends 44 statutes including seven with environmental and/or public interest implications. Many changes involve replacing legal obligations with regulatory requirements to be decided at the discretion of the minister responsible. The Bill begins the process of privatizing Ontario's public resources (minerals, forests, public recreational lands, fish and wildlife, and water) and serves to promote resource use and extraction by eliminating government monitoring and regulation and moving to industry self-regulation. In the case of mining, the Bill reduces private sector financial obligations to ensure clean-up, rehabilitation and long term care creating prospect of huge public liability from future abandoned mines. The Bill creates new powers to dissolve Conservation Authorities and provides option to sell 50 years worth of land protection that occurred on the expectation of permanent protection. Removes *Public Utilities Act* requirement to hold a referendum on the sale of a public utility. Changes to Freedom of Information legislation create new financial and administrative barriers for public access to government information.
- ▶ Passage of Bill 20, the new government's revisions to the *Planning Act*, and related Provincial Policy Statement. New land use planning rules repeal over four years worth of consensus building and implement the exclusive agenda of the development industry. Gone or severely weakened are numerous legal and policy tools to curb both the environmental and economic excesses of urban sprawl and to protect natural heritage.
- ▶ Consultation paper proposes elimination of key energy efficiency requirements from the Building Code.
- ▶ *Intervenor Funding Project Act* allowed to expire with no replacement, thus impairing citizen and public interest access to justice and environmental decisions that directly affect peo-

(Continued on page 4)

(Continued from page 3)
ple's lives.

- More cuts to Ministries of Environment and Energy and Natural Resources including \$9.1 million in parks funding and 900 MNR positions including Foresters, Biologists, and Fishery Technicians in northern communities.
- Ministry of Agriculture, Food and Rural Affairs (MAFRA), due to staff layoffs, moves toward industry self-regulation. MAFRA must also terminate inspections that ensure accurate country-of-origin labelling and inspection of Ontario grown fruits and vegetables for pesticide residues (one such inspection found lettuce from southwestern Ontario with 400 times the accepted level of pesticides).

Summer of 1996

- In less than three months, the government holds farcical "consultations" on a huge array of changes to the *Aggregate Resources Act*, the *Environmental Protection Act*, the *Ontario Water Resources Act*, the *Environmental Assessment Act*, plus: provincial landfill standards, the development control requirements on over 75% of aggregate companies operating on the Niagara Escarpment, and every regulation (over 80 in total) administered by the Ministry of Environment and Energy (MoEE). Proposed revisions to regulations would weaken environmental protection in diverse areas including air and water pollution, pesticides, hazardous wastes, etc.
- Taro Aggregates Ltd. given approval without a public hearing for landfill site in Stoney Creek despite extensive public controversy and numerous calls for a public hearing under the *Environmental Assessment Act*.
- Adoption of Temagami land-use strategy which ignores much of the results of years of community consultation, permits logging of 35% of old-growth forests and lifts a 24-year old land caution leading to massive mineral exploration activity (over 617,000 hectares and close to 600 prospectors).
- Ministry of Natural Resources (MNR) reveals Fish and Wildlife Management Business Plan spelling out the details of transferring fish and wildlife management to a new Fish and Wildlife Advisory Board (dominated by anglers and hunters) and the cutting of field assessment programs for scientific work, fisheries and Great Lakes assessment.

September to December, 1996

- Ministry of Municipal Affairs and Housing (MMA&H) releases more details on proposed Building Code amendments to remove important energy conservation requirements for new homes.
- Public complaints lead to a 30-day extension for consultation on proposals to change the entire regulatory regime of MoEE.
- CELA successfully appeals the government's refusal to release background information on MoEE regulatory changes — 600 pages of materials are released revealing frequent disagreement by Ministry staff with government and industry

recommendations in favour of weakening or removing regulations.

- Environmental Commissioner Eva Ligeti makes a special report to the Legislature criticizing environmental deregulation and lack of adequate public consultation.
- Provincial Auditor's annual report criticizes MoEE for inadequate tracking of hazardous waste, antiquated air pollution controls, and deficient monitoring of groundwater resources.
- MMA&H modifies the Peel Region Official Plan approval application by freezing huge areas of land for aggregate extraction, contributing to over 100 appeals to the Ontario Municipal Board including by the Region of Peel itself.
- MNR adopts regulations to implement Bill 26 (the *Omnibus Bill*) provisions to deregulate mineral exploration and facilitate the deregulation and privatization of forest management and fish and wildlife management.
- MoEE reports on Ontario's progress and plans to reduce greenhouse gas emissions, the combination of which will not achieve the year 2000 target of stabilization at 1990 emission levels.
- MoEE blasted over leaked documents outlining plans to selectively consult with polluters over how much pollution should be allowed in revised regulations. This likely amounts to a violation of the spirit and perhaps the letter of the law providing public rights of notice and comment under the *Environmental Bill of Rights*.
- CELA sues the MNR for failing to meet its *Environmental Bill of Rights* duties. Ministry conduct deprives the public of its rights and remedies under this law. Lawsuit dropped in March of 1997 (see below).

January to June, 1997

- Proclamation of Bill 76, the revised *Environmental Assessment Act*, which provides for new strict time frames throughout the process and increased Ministerial discretion over whether, when and how the Act will apply. Combined with the elimination of intervenor funding, the changes will serve to limit public involvement in Ontario's most important environmental planning and approvals process.
- Ministry of Transportation announces \$718 million cut in public transportation spending as well as the downloading of transportation responsibilities to municipalities. The effect will be greater dependence on the automobile, more greenhouse gas emissions, and increased demand for more roads.
- Memo leaked from MoEE states that lay-offs expose Ministry to lawsuits arising from regulatory negligence for non-enforcement of environmental laws.
- MoEE eliminates funding for Great Lakes clean-up, violating a 1994 agreement with the federal government which pledged to eliminate 60% of pollution in 16 "hot spot" sites and to rehabilitate eight of these sites.

(Continued on page 5)

(Continued from page 4)

- ▶ Report of Red Tape Commission ("Cutting the Red Tape Barriers to Jobs and Better Government") proposes continuation of environmental deregulation. "Red Tape" bills introduced for numerous ministries with sweeping changes proposed for the MoEE and MNR (all bills still at First Reading as of December, 1997).
- ▶ MoEE terminates State of the Environment reporting.
- ▶ MoEE proposes new standards for hazardous contaminants in air pollution that excludes benzene (a known carcinogen) despite Ministry monitoring of elevated levels in Sault Ste. Marie and Hamilton. Toughness of some standards undermined by the fact that the proposal is only for new and not existing industries (still a *proposal* as of December, 1997).
- ▶ Province extends the land transfer tax refund (up to \$1,725) for first time buyers of newly built homes; subsidizing continued urban sprawl.
- ▶ Environmental Commissioner of Ontario, Eva Ligeti's annual report on Ontario government's environmental performance outlines the extensive details of cutbacks and deregulation via closed-door decision-making, omnibus-style legislation and an overall, "alarming lack of vision".
- ▶ With no public consultation or notice, responsibility for the Niagara Escarpment Commission transferred from MoEE to MNR. The MNR has responsibility for resource extraction and has long favoured expanded aggregate extraction in the Niagara Escarpment Plan Area. (The Niagara Escarpment has been designated by the United Nations as a World Biosphere Reserve, one of only six in Canada).
- ▶ MoEE charges the MNR for contravention of the *Environmental Assessment Act* by allowing the construction of a road to Cross Lake in the Temagami region (MNR convicted and fined in December, 1997 — the first time a Ministry has been fined).
- ▶ In response to a December, 1996 CELA lawsuit, MNR barely satisfies its legal duty under the *Environmental Bill of Rights* with proposed "Instrument Classification Regulation". The proposal is deeply flawed and includes several serious errors in statutory interpretation. Effect of long delay in meeting these legal obligations is to frustrate and/or undermine public rights under the *Environmental Bill of Rights*. Revisions of the MNR proposal are in progress and, as of December 1997, it is out for second round of consultation; however, the deficiencies of the first proposal are largely not addressed.
- ▶ Minister of Natural Resources signs "perpetual agreement" between the Province and Ducks Unlimited Canada to assign permanent management of public resources by the private sector (the agreement is extensive, including the respective roles and responsibilities of each party regarding wetland policy and management, the use of Crown lands, private land stewardship, communications, environmental review, science transfer, resource planning, information management and administration).
- ▶ Passage of Bill 57, the *Environmental Approvals Improvement Act*, amends the *Environmental Protection Act* and the *Ontario Water Resources Act*. Gives broad powers to Minister to exempt matters from these Acts regardless of environmental significance and purports to prohibit legal action against the Crown by anyone adversely affected by those same exempted activities. Dissolves the Environmental Compensation Corporation removing a cost-effective agency that assisted the public in understanding their rights and obligations with respect to spills of pollutants. Dissolves the Ontario Waste Management Corporation without providing for any new powers to regulate the reduction, reuse and recycling of hazardous wastes.
- ▶ Passage of Bill 107, The *Water and Sewage Services Improvement Act*. Divests Province of control of any water and sewage plants by downloading to municipalities and lays out Provincial rules for privatization of any water and sewage utilities. Combined with elimination of Provincial funding for these municipal water and sewage utilities, puts the financial squeeze (and the political heat) on municipalities to sell these public assets. Opinion polls show high support (more than 75% of respondents) for non-profit, public control of water.
- ▶ Passage of Bill 52 amending the *Aggregate Resources Act* and adoption of related "standards" (of uncertain status, and very easily amended since they are not passed as regulations under the Act). The Act implements self-monitoring and self-regulation of the aggregates industry, and establishes an "honour" system — industry fills out vague answers to checklist-style monitoring forms to be reviewed by MNR. After staffing cuts, there are only 17 inspectors to deal with over 3,000 licensed pits and quarries, all new licence applications, hearings before the Niagara Escarpment Commission and the Ontario Municipal Board, and to continue ongoing investigations and inquiries. Bill 52 allows industry self-monitoring by potentially unqualified industry staff. Industry staff are not required declare the accuracy of their information, and is it not an offence to submit false information. The new regime denies adequate public access to information, as well as opportunity for notice and comment. For example, the Minister now has the discretion to refuse public hearings. Key sections are not cross-referenced to the Provincial Policy Statement under the *Planning Act*, such as the definition of "significant" and related natural heritage terms. There is insufficient safeguards (and reporting requirements) for natural heritage features, areas and functions, and groundwater protection.
- ▶ The Ontario Ombudsman's annual report raises concerns about the Ontario government's delegation of decision-making authority to private sector bodies and the promotion of industry self-regulation.
- ▶ The Minister of Natural Resources appoints 7 Niagara Escarpment Commissioners including individuals who have, in past, called for abolition of the Niagara Escarpment Plan and removal of the United Nations designation of the escarpment as a World Biosphere Reserve. (A racist comment by one of

(Continued on page 6)

(Continued from page 5)

the Minister's appointees resulted in his forced resignation in December 1997.)

- MNR proposes and adopts a deeply flawed Wilderness Policy which violates the Ministry's long overdue legal obligations to develop a policy for roadless wilderness areas stipulated in Condition 106 of the Environmental Assessment Board decision regarding the Class Environmental Assessment on Timber Management. The MNR is subsequently criticized (July, 1997) by MoEE Environmental Assessment officials for not meeting the Environmental Assessment Board condition; the MNR has yet to address the MoEE concerns.
- Ministry of Agriculture, Food and Rural Affairs (MAFRA) introduces "right to farm" legislation which serves to broadly immunize farmers from "nuisance" lawsuits. The legislation, if implemented, will serve the interests of large agribusinesses, many of which are attempting to locate massive pig farming operations in rural Ontario. The Bill would complicate, and increase the costs of, the public's ability to bring legal action against such operations (eg, for surface and groundwater contamination).

Summer of 1997

- Massive fire at a plastics warehouse in Hamilton burns primarily polyvinyl chloride and therefore likely a massive release of dioxin to air in surrounding community. The MoEE criticized for its failure to respond effectively. Repeated calls for a public inquiry are refused by the government.
- Political meltdown at Ontario Hydro: *Environmental Bill of Rights* request for investigation alleging that Ontario Hydro officials knowingly reported incomplete environmental data to the MoEE regarding the discharge of more than 1,800 tonnes of copper and zinc into Lake Ontario from Pickering Nuclear Station. Ontario Hydro admits that it failed to report tritium contamination of groundwater at the Pickering site for the last 20 years. An independent safety review reveals astonishing array of serious safety problems in Ontario reactors — 7 unsafe reactors are shut down to enable staff to focus on safety concerns at remaining 12 operating reactors.
- Ontario Hydro proposes a \$22 billion, ten year "nuclear recovery plan" that includes interim use of coal-fired electricity generation which will create large increases in toxic air emissions, smog and greenhouse gas emissions that will break numerous prior commitments to control these emissions.
- The Ontario government establishes the Select Committee on Ontario Hydro Nuclear Affairs (report due in December 1997). The Committee is not contemplating regulatory action on increased air emissions and is not expected to oppose the "nuclear recovery plan".
- MoEE posts second draft of a regulation governing timelines to guide the Environmental Assessment (EA) process. Opportunities for public input will be minimal and/or inadequate for critical points in the EA process especially when facing complex, novel or large-scale undertakings.

- Province proposes transfer of Septic Standards Enforcement from the *Environmental Protection Act* (administered by the MoEE) to the Building Code (administered by the MMA&H). The proposal would download responsibility to municipal building inspectors and replace the Environmental Appeal Board with the Building Code Commission for resolution of disputes. Yet-to-be-written regulations would provide quality control over the new inspection and enforcement regime. Removal of public health and environmental expertise throughout the septic approvals process will be combined with a general weakening of land use planning controls. Although the Government has said it agrees with CELA's concerns about the transfer of Septic Standards, there is still no apparent co-ordination with the Ministry of Environment's groundwater protection strategy. The new rules do not adequately apply to over 1 million *existing* septic systems.
- Ontario cited as the third worst polluter in North America by the tri-national Commission on Environmental Cooperation established under the North American Free Trade Agreement.
- MoEE proposes minimal changes to its "Compliance Guideline" regarding liability for contaminated land. Proposals serve to retain a self-serving status quo of avoiding public expense (for clean-up or administrative staff to deal with issues arising from contaminated lands) while perpetuating an approach that is at odds with well accepted theories of liability and equitable notions of fairness. Unlike other jurisdictions, Ontario continues to avoid the necessary comprehensive policy approach to related issues of allocation of liability, clean-up standards and prevention of future contamination. Proposed guidelines will continue to inhibit "brownfields" redevelopment.

September to December, 1997

- MNR, flouting public consultation requirements, decides to abruptly withdraw from the administration and enforcement of section 35 of the (federal) *Fisheries Act*. Motivation appears to be political gamesmanship. Result is the loss of a crucial environmental statute that protects fish habitat to address activities of land developers and aggregate industries in the south, and mining and forestry on Crown land in the north.
- MNR holds public meetings on "Lands for Life", a planning exercise to determine land uses on public lands into perpetuity. While apparently recognizing the value of, and need for, comprehensive land use planning process for Crown lands and making laudable commitments made to complete the Province's system of parks and protected areas, no quantifiable protected areas objectives or targets are yet proposed. Moreover, other MNR activities undermine confidence in legitimacy of this planning process: "Lands for Life" exercise is separate from MNR discussions with the forest industry to 1) allocate up to 60% of the non-protected public lands for "intensive forestry" and

(Continued on page 7)

(Continued from page 6)

- 2) renegotiate forest tenure to significantly strengthen timber companies' interests in resources allocated to them. Proposed tenure reforms may hand over long-term proprietary interests in public lands including the possibility of requiring compensation to timber companies if lands are withdrawn from tenure arrangements by the Province.
- ▶ Ontario derails progress on acid rain emissions reductions strategy. After three years of national multistakeholder consultation, all participants (industry, provincial and federal governments, environmentalists) agree with the latest science — emissions must be reduced by 75% to below critical loads in order to protect forests, rivers and lake ecosystems in Eastern Canada. Despite widespread agreement on the science, the severity of the situation, and a three year effort, Ontario refuses to agree to any reduction strategy. Further, with Environment and Natural Resources department funding cuts, future of Ontario's Forest Health Survey in doubt despite crucial need for long-term monitoring to help avoid massive forest dieback as has occurred in large areas of Europe.
 - ▶ Passage of Bill 98 amending the *Development Charges Act*. New tools to limit developer contributions to community benefits (parks, etc.). Yet more tools to facilitate urban and suburban sprawl including new limits on the services and costs for which development charges can be levied and requirements to use existing services to service new development thereby working against infilling or intensification opportunities.
 - ▶ MoEE proposes changes to Regulation 347 (under the *Environmental Protection Act*) to exempt four waste materials from the definition of "waste", thus removing requirements for appropriate handling, treatment and disposal. Overall, the proposal contradicts the Ontario Fire Marshal recommendations following the Plastimet fire which called for strengthening of regulatory controls on "recycling" operations. The 4 materials include:
 - 1) "Chop line residues" contaminated with copper, lead, cadmium and at least two kinds of plastic. In a previous court case, MoEE opposed the removal of regulatory controls on chop line residues on the grounds that it was hazardous waste.
 - 2) "Pickle liquor" — high strength acid wastes, previously described by the MoEE as of significant concern to sewage treatment plant operation and emissions.
 - 3) Photochemical wastes described by MoEE as containing a wide range of contaminants; however, during the consultation period, no details of specific contaminants were provided.
 - 4) Wood and wood chip recycling with no replacement requirements for fire protection.
 - ▶ Second round of proposals to revise over 70 regulations administered by the MoEE — a continuation of a process begun in the summer of 1996. It includes backtracking on some proposed deregulation but it still proposes to significantly weaken controls on hazardous wastes. Impossible to make specific critique until release of actual text of regulations.
 - ▶ Swift third reading passage of the misnamed *Fish and*

Wildlife Conservation Act to replace the *Game and Fish Act*. Continues the process, begun in the *Omnibus Bill*, of privatizing the management, by recreational hunting and fishing organizations, of Ontario's fish and wildlife resources. The delegation of Ministerial management responsibilities will be possible despite, and at the expense of, the constitutional priority of the aboriginal and treaty rights of Native peoples. The new Act contains no definition of "conservation" and provides inadequate legal mechanisms to ensure the protection of "protected wildlife" (which are at risk from agents with Ministerial "authorizations" and land owners acting to protect their property) and biodiversity (which will be threatened by new rules for handling wildlife in captivity). Provides exceptionally broad authority to the Minister to allow either MNR or private actors to contravene the legislation or its related regulations; such Ministerial authorizations will not be subject to public scrutiny or debate.

Summary

Opinion polls (over 8 since 1992) consistently show public support (in the range of 70 to 90%) for strict enforcement of environmental laws even during times of government debt and deficit cutting; similarly high levels of support for responsible management of public resources, including public control of water, and wilderness protection and expansion.

The two Provincial ministries charged with responsibility for the environment are the Ministry of Natural Resources and the Ministry of Environment and Energy. By the end of fiscal year 1997-8, over 36% of staff is cut at the MoEE, over 40% of staff cut at the MNR.

Since June, 1995, the overall budget cut from these two ministries is well over half a billion dollars (\$677,264,400). Cuts to staff are overwhelmingly in the areas of research, monitoring, inspection and enforcement of environmental laws.

This list was prepared by summarizing analyses from over 60 briefs and submissions prepared by CELA staff since July of 1995 and with the help of the *First and Second Year Reports, Ontario's Environment and the "Common Sense Revolution"*, prepared by CELA's sister organization, the Canadian Institute for Environmental Law and Policy.

Check out CELA's web site for more information. From the home page find "Trashing Environmental Protection in Ontario" and follow the links.

<http://www.web.net/cela>

Crippling Cuts at the MoEE

From the Gallon Environmental Newsletter, July 23 1997

The Canadian Institute for Business and the Environment analyzed the detailed "budget estimates" of the Ontario Ministry of Environment and Energy (MOEE) for 1995-95 and for 1997-98. The Institute found that the operating budget of the environment ministry was cut from \$365.4 million in 1994-95 to \$211.0 million in 1997-98. That is a loss of \$154.4 million, or 44%, from Ontario's environmental protection budget.

Let's review the major cuts to the MoEE's programs:

- ▶ Funding for the development of environmental programs and standards was cut 99% from \$51 million to \$500,000. The province has reduced its ability to design standards and carry out voluntary environment programs.
- ▶ Environmental laboratory services funding was cut 40.3% from \$29.5 million to \$17.6 million.
- ▶ Compliance and enforcement branch budget was reduced 30%, or \$14.7 million from the \$49.1 million in 1994-95 to \$34.4 million this year.
- ▶ Capital funding for environmental technologies and processes including new technologies, recycling and energy con-

servation equipment, was virtually eliminated, being dropped 99% from \$72.2 million in 1994-95 to \$500,000 this year.

- ▶ Funding for "Beaches Restoration" was cut 97% from \$12 million in 1995-6 to \$400,000 in 1997-98.
- ▶ Environmental Science and Technology operational funding was cut 75.8% from \$19.4 million to \$4.7 million.
- ▶ Total Ministry staff positions were cut 880 (36%) from 2,430 in 1995 to 1,550 in 1997. Abatement officers in the regions that used to visit the plants on a regular basis are reduced. The ones that remain conduct their investigations on sporadic occasions. This makes it tough for regional offices to identify and correct problems before they create a significant economic and environmental cost.

The severe cuts give rise to a number of questions that need to be addressed.

First, are the excessive cuts a part of the Provincial Government's stated policy of reducing environmental impediments to business in Ontario? If that is the case, the give-away could backfire. Costs will rise for pollution remediation (eg, Hamilton plastics fire and Colling-

wood drinking water contamination), and for medical care arising from air, water and soil pollution.

Without adequate resources for monitoring and abatement, will the people know the full extent of the impact on environmental health within their communities? Will the cuts affect Ontario's, and Canada's, competitive advantage in eco-efficiency technology and services development? Can Ontario handle the down-loading of federal environmental responsibilities from Environment Canada?

(For an answer to the last question, see article in this issue of the Intervenor on "Harmonization" — Ed.)

The Canadian Institute for Business and the Environment (CIBE) is a Canadian policy institute. It examines the economic, business, and the job-creation impacts of environmental protection, pollution prevention, and global warming gases reduction efforts, both in Canada, and internationally. The Institute publishes the "Gallon Environmental Newsletter" (e-mail:

Chart of Ontario Environment Cuts
1994-95 to 1997-98

BUDGET ITEM	1994-95 (millions)	1997-98 (millions)	\$ Reduced (millions)	Reduced (per cent)
Total MOEE Budget	\$365.4m	\$211.8m	\$154.4m	44.0%
Total Operating	290.2	165.5	124.7	43.0%
Utility Planning (OCWA transfer)	—	178.8	178.8	—
Envir. & Energy Services (capital)	72.7	0.5	72.2	99.3%
Program & Standards Dev. (operating)	53.0	16.2	36.8	69.4%
Envir. Science & Tech. (operating)	19.4	4.7	14.7	75.8%
Lab Services (operating)	29.5	17.6	11.9	40.3%
Energy Devel. & Mgmt. (operating)	12.8	3.7	8.4	69.4%
Programs & Standards Dev. (cap)	51.8	0.5	51.3	99.0%
Energy Devel. & Mgmt. (capital)	20.9	—	20.9	100.0%
Compliance & Enforcement (operating)	49.1	34.4	14.7	30.0%
Environmental Compensation Corp.	0.3	—	0.3	100.0%
Policy Devel. & Gov. Relations	11.3	6.5	4.8	42.5%
Program Admin. (operating)	16.3	3.5	12.8	78.5%
Staff Cuts (no. of positions)	2,430	1,550	880	36.2%

John Snobelen gets the keys to the Niagara Escarpment

Rick Lindgren, CELA Counsel

John Snobelen's re-assignment from the Education portfolio to the Ministry of Natural Resources (MNR) puts him in charge of Ontario's vast resources and natural heritage —

Crown lands, timber, fish, wildlife, aggregates, watercourses, wetlands, petroleum resources, old-growth forests, provincial parks and protected areas. Indeed, given the extensive jurisdiction exercised by the MNR, the Hon. Mr. Snobelen has, in effect, been given control over most of the provincial landbase, particularly in northern Ontario.

Mr. Snobelen assumes his ministerial duties at a time when the MNR is embarking on a comprehensive land use planning and resource allocation exercise throughout the province. Known as the "Lands for Life" program, this planning exercise will ultimately determine which areas of Ontario's public lands should be protected, and which areas should be open to logging, mining or other extractive or commercial uses. Where Mr. Snobelen stands on these critical issues remains unknown at the present time. (See "Lands for Life" article, this issue.)

He also inherits new legislation, the *Fish and Wildlife Conservation Act* (passed 3rd reading December 11, 1997) that gives him unprecedented authority to shape the management of fish and wildlife in Ontario. By means of s. 62(6) of the Act, he is able, in certain circumstances, to authorize "any act or omission that would otherwise contravene this Act or the regulations." In practical terms, it means that "specially protected" species are not protected (especially from land owners who may kill or trap them if they are "endangering" their property). It also means he Minister is free to delegate fish and wildlife management (to sportsmen's clubs our tourist outfitters, for example)

As Minister of Natural Resources, Mr. Snobelen also exercises authority

over the Niagara Escarpment Plan Area, which has been designated by UNESCO as a World Biosphere Reserve. Control over Niagara Escarpment protection was stripped from the Ministry of Environment and given to the MNR earlier this year in a highly controversial "administrative" reform.

Ominously, one of the MNR's first moves after assuming Niagara Escarpment authority was to announce that public consultation would be undertaken shortly with respect to possible amendments to the current Escarpment protection regime. To Escarpment supporters, this announcement raised alarm

bells, particularly since the current regime is fundamentally sound and works reasonably well to safeguard the Escarpment environment.

In fact, extensive public consultation regarding the Niagara Escarpment recently occurred during the mandatory Five Year Review of the Niagara Escarpment Plan. This Review revealed broad public support for the Niagara Escarpment Plan, and it resulted in a number of improvements to the Plan in 1994. Thus, the "need" for more public consultation at this time is questionable at best.

Escarpment supporters fear that the MNR's new-found interest in public consultation will serve as the means to implement retrogressive measures, such as stripping the Niagara Escarpment Commission (NEC) of its development control powers and delegating these powers to Escarpment municipalities. If implemented, this proposal would undoubtedly intensify land use and development pressures on the Niagara Escarpment, and would jeopardize the sustainability of the unique Escarpment environment.

Under the current government, the Niagara Escarpment has already experienced a rough ride. For example, the

province has dramatically slashed the Niagara Escarpment budget, thereby causing the NEC to lay off approximately half its staff. Similarly, the province quietly passed Ontario Regulation 469/96, which removed the requirement for most pit and quarry operators to obtain development control permits for aggregate extraction activities within the Niagara Escarpment Plan Area.

Most recently, the provincial government appointed several new NEC members, including Norm Seabrook, who had long called for the dismantling of the NEC and the Niagara Escarpment Plan. Mr. Seabrook has since resigned from the NEC after making a derogatory racial comment at a Commission meeting.

Now that Mr. Snobelen is at the ministerial helm, it is unknown whether he will "stay the course", or whether he will end Ontario's apparent "scorched earth" policy on the Niagara Escarpment.

As the former Education Minister, Mr. Snobelen was widely criticized for his comment that an educational "crisis" should be created in order to justify sweeping reforms to Ontario's education system. With a number of hot issues already on his desk — Lands for Life, Temagami, Niagara Escarpment, and aboriginal hunting and fishing rights — Mr. Snobelen will undoubtedly have enough work to do without creating artificial crises. ■

For further information about current issues affecting the Niagara Escarpment, please contact:

Kyle Ferguson
Coalition on the Niagara Escarpment (CONE)
517 College Street, Suite 204
Toronto, Ontario, M6G 4A2
Tel: 416-960-9606 Fax: 416-960-0020

CONE will soon be publishing a citizens' guide on how to protect the Niagara Escarpment. The anticipated publication date for the citizens' guide is April 1998.

With the Niagara Escarpment, Lands for Life, Temagami, and Native harvest rights on his desk, Mr. Snobelen won't have to create a crisis.



"Lands for Life" = Lands up for Grabs

Rick Lindgren, CELA Counsel

Ontario's Ministry of Natural Resources (MNR) is often criticized for stalling or delaying the implementation of new programs or policies aimed at conserving resources such as wetlands, wildlife or old growth forests. In contrast to its usual glacial speed, however, the MNR has been fast-tracking its comprehensive land use planning exercise known as the "Lands for Life" program.

When completed in 1998, the Lands for Life process will ultimately determine the fate of wetlands, wildlife, old growth forests and other resources located upon 4.6 million hectares of Crown land — approximately 45% of the Ontario landbase.

For planning purposes, the MNR has divided the Ontario landscape into three Regions: Boreal West, Boreal East, and Great Lakes - St. Lawrence. Each region has a multi-stakeholder roundtable which has been undertaking public consultation about Lands For Life, and which will be making recommendations to the MNR about the following issues:

- ▶ what areas should be protected;
- ▶ what resource-needs should be satisfied;
- ▶ what basic conditions are required for compatible land uses;
- ▶ what targets and indicators should be used to monitor and assess the long-term health of the resource base.

According to the MNR, the key focus of the Lands For Life process is to determine the "best" uses of public lands. In some instances, this determination may result in the protection of additional lands to fulfill the MNR's promise to complete Ontario's parks/protected areas system under the auspices of the "Nature's Best Action Plan".

After the Lands for Life designation

and mapping exercises have been completed, Ontarians should know which areas will be protected as natural landscapes, which areas will be used for resource-based tourism, and which lands will be committed to industrial forestry or other commercial extractive activities. Thus, the Lands for Life process essentially amounts to long-term allocation of public lands and resources for designated purposes.

The semi-permanent nature of these land use allocations is underscored by the long rotation periods for commercial forestry in Ontario (approximately 80 years), and by the long-term tenure being granted by the MNR to forestry companies operating on Crown lands. Thus, if certain lands are committed for intensive forestry operations (ie, clearcut, plant, spray), those lands may, in effect, be unavailable for alternative or sequential uses (ie, wilderness) for very lengthy periods of time.

In response to the Lands for Life proposals, a number of Ontario's leading conservation groups have formed a "Partnership for Public Lands".

Among other things, these groups have jointly produced a detailed set of ecological and economic goals and objectives to guide land use decisions under the Lands for Life program. For example, these groups have called for:

- ▶ designation of 15 to 20% of public lands into protective categories (ie, parks, remote wilderness, roadless areas) where mining, logging and hydro-electric development would be prohibited;
- ▶ special operational restrictions for protecting and managing old growth forests, wetlands and wildlife; and,
- ▶ establishment of policies and programs (including transitional funding) to achieve community stability and diversification.

CELA has endorsed these and other proposals in a brief submitted to

roundtable representatives at a public consultation session held in Kingston in November 1997. Copies of the CELA brief (no. 334) may be obtained through the CELA office.

Recent court decisions, including the "Delgamuukw" case at the Supreme Court of Canada recognize Natives may have a larger say in what happens to public lands than the government and the groups who will benefit from the Lands for Life policy would care to admit. Any planning without the active participation of First Nations would not only foolishly exclude the land's first stewards, it may also be illegal. The Chiefs of Ontario office has prepared detailed briefs on Lands for Life.

The Lands for Life process essentially amounts to long-term allocation of public lands and resources for designated purposes.

For further information

On the progress of the Lands for Life program, or on the "Partnership for Public Lands", please contact:

Tim Gray, Executive Director
Wildlands League
401 Richmond Street, Suite 380
Toronto, ON, M5V 3A8
Tel: 416-971-9453
Fax: 416-979-3155
E-mail: wildland@web.net
Web site: <http://web.idirect.com/~wildland>

On the role of First Nations please contact:

Mike Sherry, Counsel
Chiefs of Ontario
22 College St., 2nd Floor
Toronto, ON, M5G 1K2
Tel: 416-972-0212
Fax: 416-972-0217
Web site: <http://www.chiefs-of-ontario.org>

MoEE Deregulates Control over Waste Operations

Ramani Nadarajah, CELA Counsel

On October 22, 1997 the Ministry of Environment and Energy (MoEE) placed on the Environmental Bill of Rights (EBR) Registry the proposed amendments to Regulation 347, which governs waste operations in Ontario.

The MoEE proposed amendments to Regulation 347 raises serious concerns

about the lack of regulatory controls over hazardous waste activities in the province. In particular, the proposed amendments would entirely remove the following activities from the current requirements of the regulation and Part V of the *Environmental Protection Act*:

- ▶ "recycling" residues (chop line residues) from electrical wire recycling operations;
- ▶ using (ie, disposing) of pickle liquor (high strength acid wastes) in municipal sewage treatment plants;
- ▶ "recycling" of photochemical process wastes for silver recovery; and
- ▶ the establishment and operation of "recycling" sites and activities for wood and chipped wood waste

Chopline Residue

The proposed amendments relating to chopline residue are completely at odds with the position that the Ministry of Environment and Energy (MoEE) took in the recent court case, *Philip Enterprises Inc. v Ontario (Ministry of Environment and Energy)*.

The Ministry's position, in court, through sworn affidavit materials, was that chop line residue was a hazardous waste which should be subject to regulatory controls. According to the Ministry's own witnesses excluding chopline residue would contradict the existing regulatory framework and "could seriously undermine the

Ministry's authority to regulate recycling within the Province, with far reaching environmental implications."

Pickle Liquor

The MoEE is proposing to allow "pickle liquor", a sulphuric acid waste typically contaminated with a wide range of substances, to be disposed on in municipal sewage treatment plants. This proposal contradicts to the findings of a May 1994 report on industrial sewer use prepared for the MoEE (Proctor and Redfern *Summary Report of MISA Sewer Use Control Program Demonstration Projects*) which stated that, "all demonstration municipali-

ties recognized the need for tighter control on hauled waste (disposed of at sewage treatment plants) due to the potential of impact of sewage treatment process, sludge quality and effluent quality."

Photochemical waste

Photochemical wastes contain a wide range of hazardous contaminants in addition to silver which should be subject to regulatory controls. The handling and disposal of these contaminants would apparently escape regulatory control through the proposed amendments.

Wood and Chip Recycling

The proposed exemption for wood and wood chip recycling poses a potential fire hazard. Under the proposed exemption there would be no limits on how much of these materials can be processed or stored at a site at a given time, no requirements for fire protection, and no requirement to even report the existence of such operations to the MoEE or the local fire department. The proposal appears to completely contradict the recommendations of the On-

tario Fire Marshall in his August 1997 report on the Plastimet Inc. PVC fire.

Any further weakening of regulatory controls of on the disposal or "recycling" of wastes in Ontario could pose serious threat to public safety, public health and the environment. The recent experience of the Plastimet fire, and the Fire Marshal's subsequent report confirms the need for a strengthened, rather than weakened, regulatory framework regarding these activities.

What You Can Do

The deadline for the comment period under the EBR was November 21, 1997. However, we recommend you send a letter to the MoEE requesting that the Ministry not proceed with the proposed amendments to Regulation 347 to exempt chopline residue, pickle liquor, photoprocessing waste, and wood and wood chip "recycling" from the requirements of the regulation and Part V of the Environmental Protection Act.

Write to the Minister, Norm Sterling, and copy Mr. Frank Coschi, the EBR contact person. Their addresses are as follows:

The Honourable Norm Sterling
MoEE
135 St. Clair Ave. W., 15th Floor
Toronto, Ontario M4V 1P5
Fax: 416-323-4682

Mr. Frank Coschi
MoEE, Waste Reduction Branch
40 St. Clair Ave. W., 7th Floor
Toronto, Ontario M4V 1M2
Fax: 416-325-4437

CELA uses EBR to Seek Environmental Justice for Clients

Ramani Nadarajah, CELA Counsellor

CELA's clients, Mr. and Mrs. Ricker were recently granted leave to appeal a permit to take water by the Environmental Appeal Board.

Since the proclamation of the *Environmental Bill of Rights 1994*, the Board has reviewed approximately fourteen applications for leave to appeal. However, the Board has only granted leave to appeal on three cases. CELA represented the applicants on two of these cases.

Dunnville Rock Products sought and received a "Permit to Take Water" from the Ministry of the Environment and Energy (MoEE) to allow dewatering their property for quarry operations. If this were done on a large scale, without regulation, the groundwater supply would be diminished and that would have a serious impact on (among other things) the availability of water for homeowners who rely on well water.

In fact, that is just what happened to the Rickers — their fish pond was damaged and they suffered a lack of sufficient water supply. They sought summary ad-

vice from CELA and then made application to retain CELA legal counsel. Their application was approved by the CELA Board.

The Rickers had expressed their concerns to the MoEE but these were not addressed. Mr. and Mrs. Ricker then sought leave to appeal the Permit to Take Water to the Environmental Appeal Board pursuant to their rights under the *Environmental Bill of Rights*.

In granting the Permit to Dunnville Rock Products, the MoEE did not impose an expiry date on the Permit. Ironically, one of the reasons the MoEE gave for not imposing an expiry date was that doing so would require them to issue a renewal of the Permit annually and they did not have the staff to do this after the cutbacks. (See *article on Chronological Guide to Deregulation in Ontario — over 36% of MoEE staff is cut by the end of FY 1997-98.*)

After reviewing the submissions prepared by CELA, the MoEE and Dunnville Rock Products, the Board found that the permit to issue water may result in signifi-

cant harm to the environment and that the Director may have acted unreasonably. One of the bases for granting the appeal was the fact the MoEE did not impose an expiry date on the Permit to Take Water. The matter will now proceed to a hearing before the Environmental Appeal Board.

To be successful before the Board, the Rickers will need to establish that the issuance of the Permit will have an adverse impact on the natural environment or on the water supply available to them.

The Environmental Bill of Rights (EBR) is Ontario legislation and it came into effect in February 1994. The EBR allows any third party to appeal a government decision that impacts on the environment, provided they can show they have an "interest in the decision." The EBR recognizes that the people of Ontario have a right to participate in the environmental decision-making process in Ontario. For more information on the EBR and how you can use it, phone the CELA office at 416-960-2284.

Training the Trainer Workshop

The Women's Network on Health and the Environment is organizing a workshop around their new documentary video, "Exposure: Environmental links to Breast Cancer".

Narrated by Olivia Newton-John, actor, singer, songwriter and cancer survivor, the video, paired with discussion, can play a major role in raising people's awareness of the connections between the environment and health.

The goal of the workshop is to assist activists to use the video to lead discussions on the links between the environment and health.

Phone the Women's Network at 416-516-2600 for more information and to purchase copies of "Exposure". The workshop will be held in Toronto, in February 1998.



Beware Ontario's Mediation Process

Paul McCulloch, CELA Student-at-Law

Everyone seems to be talking Alternative Dispute Resolution (ADR) these days. Mediation is particularly in vogue, being introduced in various settings throughout Ontario, including the Court system. The Environmental Assessment Board, the Ontario Municipal Board, and the Provincial Facilitator's Office have also jumped on the ADR bandwagon, implementing various mediation pilot projects over the past five years.

While there are many potential benefits to a well-designed mediation program, participants in environmental and land-use conflicts must also be aware of the pitfalls. This warning assumes added significance given the current government's proclivity towards cost-cutting and deregulation initiatives. Evidence thus far suggests that mediation is primarily directed towards saving money, not necessarily promoting better decision-making. Moreover, the procedural rights that exist to protect the environment may be being compromised.

The government and its various agencies have been consistent in utilizing a particular type of mediation, which I refer to as "directive mediation". Directive Mediation is characterized by the mediator taking a very active role in resolving the dispute, evaluating the strengths and weaknesses of the different parties and pressuring them to accept proposed solutions.

This is notably different from the traditional image of mediation, where disputing parties explore their differences with the help of a passive mediator, reaching a gradual consensus and a solution to their conflict, which for clarity is

now referred to as "facilitative mediation". Facilitative mediation was developed under the assumption that it would have numerous benefits, the most important being that it would result in innovative and creative solutions being developed, sometimes referred to as the "win-win" solution. The fact that it may also prove to be an efficient means of decision-making initially received less attention.

The mediation programs being implemented by both the Ontario Municipal Board and the Environmental Assessment Board can clearly be characterized as directive mediation. The OMB originally utilized former planning commission-ers as mediators and now uses current Board members. There is no indication that either has had extensive training in mediation. Consequently, the mediator relies upon his or her knowledge of planning issues to assist the process. This approach has resulted in a great deal of intervention on the part of the mediators, judging the positions of the various parties based upon the mediator's own past experiences and attempting to convince them to accept various proposals, which are often put forth by the mediator. The Environmental Assessment Board's mediation program has been similarly characterized as "case management" as opposed to mediation by Sandra Bozzo in her unpublished Masters Major Paper, submitted to the Faculty of Environmental Studies, York University.

Citizens and groups who are involved in land-use and environmental conflicts need to understand the subtleties of directive mediation if they are

to represent themselves effectively, especially when unrepresented by legal counsel or other experts who have experience with the process.

Most importantly, always remember that mediation is voluntary and non-binding. You are under no obligation to accept mediation or to agree to any proposed settlement which you do not find acceptable. The negotiations are without prejudice, meaning that you may still proceed to the hearing stage and assume your original position despite any concessions that may have been proposed during the mediation sessions. You should not be pressured into accepting an agreement. If you think that you can obtain a better result through a hearing, then you should exercise your procedural rights.

In the long run, mediation may still prove to be a viable alternative to hearings as a means of resolving disputes. However, in my opinion, facilitative mediation is more likely to result in this outcome than directive mediation. The obstacle is that facilitative mediation requires a large investment in terms of time and money up front, to develop a proper protocol, train mediators, and for regular participants (especially lawyers!) to become comfortable with the process.

Directive mediation, on the other hand, requires little to none in the way of up front investment, and may immediately result in the backlog of cases being reduced. Unfortunately, directive mediation may also leave participants with a bitter taste in their mouth, which may lead to further disputes

down the road. In other words, cut now, pay later.

Sound like any other recent government initiatives?

Evidence thus far suggests that mediation is primarily directed towards saving money, not necessarily promoting better decision-making.

Citizens and groups who are involved in land-use and environmental conflicts need to understand the subtleties of directive mediation

Can the Provinces Handle Federal Environmental Responsibilities?

Paul Muldoon, CELA Counsel

A The federal government seems determined to conclude, early in 1998, the "Environmental Harmonization Accord" with the ten provinces and two territories despite a recent report by the Standing Committee on Environment and Development asking the federal government to defer its decision on the Accord.

The Environmental Harmonization Accord is an initiative that began in 1993 under the auspices of the Canadian Council of the Ministers of the Environment (CCME). A version was endorsed in principle in November of 1996. It included two sub-agreements, one on inspections and another on standard-setting. A third sub-agreement on environmental assessment was negotiated earlier this year.

The Accord was supposed to be concluded in May, however, the spring election delayed the CCME meeting until November 4. Shortly before that date, federal environment minister Christine Stewart asked to have the meeting put over until 1998, apparently because she needed preparation time for the climate change conference in Kyoto, Japan in December 1997.

Opposition to the Accord from environmental, labour, community and other groups consistently focused on the following issues:

Rationale: The federal and provincial governments say the Accord is needed due to overlap and duplication between federal and provincial levels. However, there is no comprehensive study outlining the nature, extent and seriousness of the problem.

Devolution: The effect of the Accord and its sub-agreements will be to devolve many of the roles and responsibilities of the federal government to the provinces. Under the Agreement, the order of government "best situated" to deal with an issue will be responsible for that issue. It is apparent from the definition of the term "best situated", that the provinces will

have carriage for many of the responsibilities formerly the domain of the federal government. Once it has been decided that one order of government is to deal with an issue, the other order of government "cannot act" within a specified time limit.

Accountability and Public Access: The Harmonization Accord will give greater responsibility to the Canadian Council of Ministers of the Environment (CCME). The CCME does not have a good track record on public participation.

The Standing Committee on Environment and Development released its review of the harmonization initiative in early December. It reflects the views of many witnesses before the Committee, including environmental and

labour groups, academics and aboriginal organizations. CELA prepared and presented a joint brief with the Canadian Institute for Environmental Law and Policy.

The majority of the Committee recommended that the ratification of the proposed Accord be delayed until all of the Committee's concerns and specific recommendations were fully addressed and that all of the subagreements (some ten of them) were available for public comment.

Here are some of the Committee's specific recommendations:

(a) The ratification of the Accord should be delayed until representatives of aboriginal organizations are given the opportunity to participate in the negotiating process.

(b) The ratification of the Accord should be delayed until there is a comprehensive study identifying gaps, overlap and duplication in Canada's environmental management regime and the study is made public.

(c) The Auditor General of Canada should conduct an environmental audit of the effectiveness of the bilateral environmental agreements between the federal and provincial governments such as those under the *Canadian Environmental*

Protection Act and the *Fisheries Act*.

(d) A sunset clause should be included in the Accord and Sub-Agreements, providing for the expiry of each agreement within five years unless, following meaningful public consultation, the agreement is specifically renewed.

(e) A provision should be included in the sub-agreement on environmental assessment expressly stating that no amendment of the *Canadian Environmental Assessment Act* will be required.

The Reform and Bloc Québécois party members on the Committee provided dissents to the Committee Report. They agree that the Accord should be delayed until the Committee's concerns are addressed and there is extensive public consultation. The Reform also wants the Accord in the form of a Bill before Parliament. The Bloc Québécois wants the federal government to first table bills on endangered species, the *Fisheries Act* and the *Canadian Environmental Protection Act* in order to assess the Accord properly.

Hence, the fate of the Environmental Harmonization Accord is still unknown. What is clear is that the Accord, whether concluded or not, symbolizes the retreat by the federal government from its traditional roles and responsibilities. The retreat implies that it wants to give more power to the provinces, many of which have dramatically reduced their capacity to pick up federal roles and responsibilities. The obvious case is Ontario where the Ministry of the Environment is suffering from a cut of over 36% of its staff since 1995. Overall, Ontario has a dismal environmental track record.

Canadians are already suspicious of whether provincial governments can handle federal responsibilities. In a 1996 Insight Canada poll respondents flunked the federal government's performance on the environment, giving it a rating of 4.8 out of 10. But they gave the provinces a 4.7. The federal government might think the Accord is geared to promoting unity, but the reality is that it represents a sad day for Canadian federalism and the environment.

CELA's concerns are reflected in the Report of the Standing Committee.

Selected Bibliography on Deregulation in Ontario

Lisa McShane, Librarian, Resource Library for the Environment

The Resource Library for the Environment at CELA is the largest environmental library in Canada. In addition to all relevant legislation, the library collects newsletters, books, periodicals and briefs pertaining to environmental issues. Here is a small sampling of what our collection holds. The following bibliography deals only with deregulation in Ontario — the topic of this newsletter. The Library is housed at CELA offices at 517 College Street. It is open _____ ???

Ontario Government Documents

"Backgrounder: Proposed Regulatory Standards for New Land-filling Sites Accepting Non-Hazardous Waste." Ministry of Environment and Energy. Toronto, June, 1996. 15pp. Appendix A: A1-A5. 5p.

Better, Stronger, Clearer: Environmental Regulations for Ontario. Ministry of Environment and Energy. Toronto, November, 1997. 46p.

"Business Plan: Ministry of Environment and Energy: Doing Better for Less." Ministry of Environment and Energy. Toronto, 1996. 12p.

Incineration Information Package: Amendment of Regulation 347 to Remove the Ban on New Municipal Waste Incinerators : Exemption Order for Waste Management Planning by Municipalities : Establishing Guideline A-7: Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators: Rationale for the Development of Guideline A-7. Ministry of Environment and Energy. Toronto, July, 1995.

"Regulatory Review Project: Annotated List of Ministry Regulations." Ministry of Environment and Energy. Toronto, January 15, 1996. 12p.

Regulatory Review Project Documents: Backgrounder, Terms of Reference, Review Process, Management Structure and Framework for Internal Review of Ministry of Environment and Energy Regulations 1995/6. Ministry of Environment and Energy.

Responsive Environmental Protection: Consultation Paper and Technical Annex. Ministry of Environment and Energy. Toronto, July, 1996. 72p.; 104p. (Annex).

"Fish and Wildlife Management Business Plan: Overview of Fish and Wildlife Management Review." Ministry of Natural Resources. June, 1996.

"Ontario Restructures Forest Management." Ministry of Natural Resources, June, 1996.

"Keep the door to environmental protection open: a special report to the Legislative Assembly of Ontario." Ligeti, Eva. Toronto: Environmental Commissioner of Ontario. October 10, 1996. 8p. (Appendix).

1996 Annual Report. Office of the Provincial Auditor. Ac-

counting, accountability, value for money. Toronto: Legislative Assembly of Ontario. October 15, 1996. 313p.

CELA Publications Related to Deregulation

You can use the number before the name of the brief to order it. The price is at the end of the reference and an order form is at the back of this *Intervenor*.

269. "Response to the Proposed Amendments to Reg. 347: The Case Against Incineration." Muldoon Paul and Wilson, M. September, 1995. \$5.00.

271a. "Comments to the Hon. Brenda Elliott regarding the *Intervenor Funding Project Act*". October 1995 and April 1996. \$2.50.

276. "The Environmental Implications of Bill 26." December 22, 1995. 35p. \$6.00.

277. "Submissions of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20, the *Land Use Planning and Protection Act*." Cooper, Kathleen. February 1996. 18p. \$3.00.

278. "Amendments to the Waste Approvals Process." Lindgren, Richard. February 16, 1996. 9p. \$ ____??

279. "Submissions by the Canadian Environmental Law Association on Consolidating Environmental Legislations." Nadarajah, Ramani. February 1996. 6p. \$1.00.

280. "Letter ^{to} Ann Borooah of the Ministry of Municipal Affairs and Housing regarding 'Back to Basics', Consultation Paper on the Focus of the Ontario Building Code." K. Cooper, February, 1996. \$2.50.

282. "Ministry of Environment and Energy's Environmental Planning Program: Land Use Planning Program Review." Cooper, Kathleen. Feb. 29, 1996. 7p. \$2.50.

284. "Letter to Hon. A. Leach, Minister of Municipal Affairs and Housing; Meredith Beresford, Provincial Planning Policy Branch, MMA&H; Philip McKinstry, Policy Statement Review, MMA&H. Comments regarding Proposed Provincial Policy Statement." K. Cooper, March 4, 1996. \$2.50.

285. "Deregulation and Self-Regulation in Administrative Law: A Public Interest Perspective: In Defence of Environmental Regulation." Muldoon, Paul and Swenarchuk, Michelle. Aug. 1996. 15p., 2p. \$3.00.

289. "Submissions by the Canadian Environmental Law Association to the Ministry of Environment and Energy Regarding the *Environmental Approvals Improvement Act*, 1996 (Bill 57)." Lindgren, Richard. July, 1996. 17p. \$3.00.

290. "Letter to Mr. Larry Wilcox of the Waste Reduction Branch of MOEE regarding Regulatory Standards for New

(Continued on page 16)

(Continued from page 15)

- Landfilling Sites Accepting Non-Hazardous Waste EBR Registry #RA6E0006.P." Lindgren, Richard. July 1996, 13p. \$2.00.
291. "Submissions of the Canadian Environmental Law Association to the Standing Committee on Social Development Regarding Bill 76 -*Environmental Assessment and Consultation Improvement Act, 1996*." Lindgren, Richard. July 1995. 49p. \$9.00.
296. "Submissions by the Canadian Environmental Law Association to the Ministry of Environment and Energy Regarding the Proposed Amendment to Regulation 828 (Development Control in the Niagara Escarpment Plan Area)." Lindgren, Richard. September 15, 1996. 10p. \$2.00.
297. "Submissions by the Canadian Environmental Law Association to the Standing Committee on General Government Regarding Bill 52 (*Aggregate and Petroleum Resources Statute Law Amendment Act, 1996*)." Lindgren, Richard. September 1996. 17p. \$3.00.
298. "Responding to the Rollbacks: Comments on 'Responsive Environmental Protection'. Submitted to the Ministry of Environment and Energy." CELA staff. October 15, 1996. 72p. \$12.00.
302. "Law for the Public Interest: Shrinking Government and the Protection of Ontario's Environment." Prepared for CELA's Law for the Public Interest Conference, November 30 & December 1, 1996. Burrell, Terry. November 1996. 60p. (Appendices). \$10.00.
303. "Responding to the Erosion of Labour Protection in Canada." Prepared for the Law for the Public Interest Conference, November 30 & December 1, 1996. Lang, J. November 1996. \$10.00.
304. "Tampering with our Health: the Shift from Public to Private." Prepared for the Law for the Public Interest Conference, November 30 & December 1, 1996. Sloss, E. November 1996. \$10.00.
308. "Submissions to the Ministry of Natural Resources regarding Proposed Provincial Standards under Bill 52 (*Aggregate Resources Act*)." CELA. Lindgren Richard. For: Coalition on the Niagara Escarpment, Federation of Ontario Naturalists, Save the Ganaraska Again, Save the Oak Ridges Moraine, Uxbridge Conservation Association. February 1997. \$10.00
309. "Ontario's Water Resources: The Need for Public Interest Regulation (Bill 107)." Lindgren, Richard and Miller, Sarah. February 1997. \$5.00.
310. "Submissions by CELA to the Ministry of Agriculture, Food, and Rural Affairs on the draft discussion paper on the *Farm Practices Protection Act*." Bigelow, Donna. February 1997. \$5.00.
311. "Our Future, Our Health: A Statement of Concern by Environmental Organizations in Ontario." Nadarajah, Ramani (CELA), Winfield M. (CIELAP), Macdonald D. (U. of T.), March 1997. \$10.00.
313. "Letter to Rob Messervey, Ministry of Natural Resources

Corporate Affairs Division; Re: EBR Registry Number: RB7E40001.P *Red Tape Reduction Act* (MNR) 1996." Swenarchuk, Michelle. March 1997. \$2.50.

316. "Letter to R. Pichotte, Manager, Non-Renewable Resources Section, Ministry of Natural Resources regarding comments on Draft Regulations and Standards under Bill 52." Lindgren, Richard, April 1997. \$5.00.
318. "Letter to J. Smith re: Consultation on Proposed Air Standards." Nadarajah, Ramani and Muldoon, Paul. February and April, 1997. \$2.50.
319. "Submission to David Watton of the Ministry of Natural Resources re: MNR Proposal for Instrument Classification Regulation EBR Registry Number RB7E60001.P." Lindgren, Richard and Muldoon, Paul. May 1997. \$5.00.
321. "Comments Re: 'Ontario Approach to Wilderness: A Draft Policy' EBR Registry No. PB7E6003." Lindgren, Richard. May 1997. \$2.50.
325. "Comments on MOEE's Proposed Amendments to Compliance Guidelines EBR Registry No. PA7E0005.P." Nadarajah, Ramani. August 1997. \$5.00.
326. "Comments to MNR's regarding s.35 of the *Fisheries Act*, EBR Registry No. PB7E400.P." Lindgren, Richard. September 1997. \$2.50.
327. "Comments to MOEE regarding the draft 'Timeline Regulation' proposed under the *Environmental Assessment Act*, EBR Registry No. RA7E0010.P." Lindgren, Richard. September 1997. \$2.50.
330. "Submission of CELA to the Ministry of Municipal Affairs and Housing regarding Proposed Changes to Septic Standards Enforcement." Cooper, Kathleen. September 1997. \$10.00.
332. "Brief to the House of Commons Standing Committee on Environment and Sustainable Development re: the Canadian Council of Ministers of the Environment (CCME) Environmental 'Harmonization Initiative.'" Muldoon, Paul (CELA), Winfield, M. (CIELAP). October 1997. \$10.00.
333. "Treading Water - A Review of Government Progress Under The Great Lakes Water Quality Agreement." Muldoon, Paul (CELA), GIU & NWF. October 1997. bound \$30.00.
334. "Submissions of CELA to the MNR regarding the 'Lands for Life' Planning Process." Lindgren, Richard. November 1997. \$5.00.
336. "Submission to the Ontario Ministry of Environment and Energy Re: EBR Notice RA7E0012.P Amendments to Regulation 347." Nadarajah Ramani (CELA) and Winfield Mark (CIELAP). November 1997. \$2.50.
337. "The Multilateral Agreement on Investment and the Environment: Context and Concerns. Prepared for the House of Commons Sub-Committee on International Trade, Trade Disputes and Investment." Swenarchuk, Michelle. November 24, 1997. \$5.00.

(Continued on page 17)

(Continued from page 16)

339. "Comments on Bill 139, the *Fish and Wildlife Conservation Act, 1977*. Presented to the Standing Committee on General Government." McLaren, David. December 1997. \$2.50.

Intervenor Articles:

"Bill 26: the Omnibus Bill." Nadarajah, Ramani. *Intervenor*, Vol. 21, No.1, Jan/Feb 1996. pp. 7-8.

"Regulatory review process pulls knives out with consultation paper." Cameron, Jill. *Intervenor*, Vol. 21, No. 4, July/August 1996. pp. 1,5.

"Special Planning Issue." Lindgren, Rick and Cooper, Kathleen. *Intervenor*, Vol. 21, No.1, Jan/Feb 1996. pp. 2-7.

"How Your Right to Know is Being Denied (MNR & the EBR)." Bigelow, Donna. *Intervenor*, Vol.22, no. 1, Jan/Feb 1997.

"CELA Establishes Important Precedent under Ontario's Environmental Bill of Rights." Lindgren, Rick. *Intervenor*, Vol. 22, No. 1, Jan/Feb 1997.

"Is Public Control of Water on the Chopping Block (Bills 26 & 105)." Cooper, Kathleen. *Intervenor*, Vol. 22, No. 1, Jan/Feb 1997.

"The Right of Citizens to Prosecute." Nadarajah, Ramani. *Intervenor*, Vol. 22, No. 1, Jan/Feb 1997.

Visit the CELA website at <http://www.web.net/cela>.

Other Publications

Baldini, Thomas and Hurley, Adele. "The Great Lakes: Endangered Still." *Great Lakes Program Perspectives*, Vol.10, No.1, Oct. 1996. p.19.

Canadian Bar Association, Ontario. Environmental Section. "Responsive Environmental Protection." Toronto, 1996. 6p.

Canadian Institute for Environmental Law and Policy. Winfield, Mark S. and Greg Jenish. "Brief to the Standing Committee on Resources Development Re: Bill 57, *An Act to Improve the Efficiency of the Environmental Approvals Process and Certain Other Matters*." Toronto: CIELAP, October 23, 1996. 14p.

Canadian Institute for Environmental Law and Policy. Winfield, Mark S. and Greg Jenish. "Comments Regarding 'Responsive Environmental Protection': A Consultation Paper." Toronto: CIELAP, October 1996. 70p.

Canadian Institute for Environmental Law and Policy. Winfield, Mark S. and Greg Jenish. "Ontario's Environment and the 'Common Sense Revolution': A First Year Report." Toronto: CIELAP, June 1996. 89p.

Canadian Institute for Environmental Law and Policy. Winfield, Mark S. and Greg Jenish. "Ontario's Environment and the 'Common Sense Revolution': A Second Year Report." Toronto: CIELAP, 1997. 140p. + appendices.

Canadian Institute for Environmental Law and Policy. Winfield, Mark S. "Response to incineration information package: proposed amendment to Regulation 347, proposed exemption order under *Environment Assessment Act* Air Pollution Control Guideline for New Municipal Waste Incinerators." Toronto: CIELAP, September 1995. 12p.

Cooper, Kathleen. "Changing the rules to suit the polluters." *Network News (Ontario)*, Vol. 8, No. 3. December 1996. p.11.

Cooper, Kathleen. "Environmental de-regulation, a recipe for disaster." *Anishinabek News*, Vol.8, No.11, 1996. p.20.

Cooper, Kathleen. "Trashing environmental protection: Ontario's four part strategy." *Network News (Ontario)* Vol. 8, No. 3. December 1996. pp.8-9.

Gertler, Franklin S. "Will protection of fish habitat survive the provincial outing on the federal pond?: policy options for Section 35 of the *Fisheries Act* and Environmental Assessment." Gertler, Franklin S. *Canadian Environmental Law Reports*, Vol. 20, Parts 3&4, October/November 1996. pp.211-234.

Marr-Laing, Thomas. "Regulatory reform: deregulation by any other name." *Environment Network News*, Vol. 44, March/April 1996. pp.9-10.

Mavalwala, Cyrus. "Ontario's environmental deregulation will have multiple effects on the Great Lakes." *Focus on IJC Activities*, Vol. 21, Issue 3, Nov/Dec 1996. pp.5-6.

Ontario Public Service Employees Union. "The Facts About the Tory Land and Air Attack on the Environment." Toronto: OPSEU, March 1996. 3p.

Ontario Public Service Employees Union. "Nothing Left to Cut: A Field Report on the Activities of the Ontario Ministry of Environment and Energy." Toronto: OPSEU. January 9, 1996. 8p.: Appendices.

Provincial Council of Women of Ontario. "Presentation to the Honourable Norm Sterling, Minister of Environment and Energy, Regarding the Regulatory Reform Project." October 16, 1996. 4p.

Taylor, Marion. "MNR then and now." *Seasons*, Vol.36, No.2, Summer 1996. pp.8-10.

Vivolo, Angela. "Streamlining or deregulation?" *Evolutions*, Vol. 2, No. 4, Fall 1996. pp.20-21.

