



CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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CELA SEEKS REVOCATION OF ONTARIO REGULATION THAT EXEMPTS PROVINCIAL ENERGY PLAN FROM ENVIRONMENTAL ASSESSMENT

Lawyers with the Canadian Environmental Law Association (CELA) are applying today under the *Environmental Bill of Rights* (EBR) for the review and revocation of the Ontario regulation that exempts the province's proposed energy plan from the *Environmental Assessment Act* (EA Act).

The EBR is an Ontario law which generally provides that regulations under the EA Act must be posted on the EBR Registry for public notice and comment before the regulations are passed.

In this case, however, the Ontario government failed to provide any public notice and comment opportunities on the exempting regulation, thereby depriving Ontarians of their statutory right to provide input on whether the exemption was appropriate in the circumstances.

"Ontarians were entitled in law to have a meaningful opportunity to comment on the proposed exemption before it was granted," stated Michelle Swenarchuk, CELA's Executive Director. "In our view, the Ontario government clearly flouted its legal obligation under the EBR to notify the public, and to solicit public comments, before the regulation was made."

"In our opinion, there is no lawful excuse or justification for the Ontario government's non-compliance with EBR requirements in this case," said CELA lawyer Richard Lindgren. "The Environment Minister claims that this regulation is merely 'administrative', but there is nothing trivial or 'administrative' about exempting the largest, costliest, and risk-laden energy plan in Ontario's history from the protective provisions and procedural safeguards of the EA Act."

"Since the EBR came into force in 1994, virtually every EA Act exemption has been subject to public notice and comment before it was granted," continued Mr. Lindgren. "This includes EA Act exemptions for provincial planning initiatives, such as timber management planning and provincial parks management. Therefore, the Ontario government's failure to provide public notice and comment on the provincial energy plan exemption is unprecedented and unjustified."

The EBR Application for Review is being filed today with the Environmental Commissioner of Ontario, who will then forward it to the Ministry of the Environment for response within 60 days.

For more information, please contact:
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