

THE ONTARIO GOVERNMENT'S PROPOSALS FOR  
ENVIRONMENTAL IMPACT ASSESSMENT:

NICE SENTIMENTS AREN'T ENOUGH - DETAILS ARE WHAT COUNT

The Ontario government rightly deserves commendation for promising to pass a law that will, for the first time anywhere in Canada, require that projects likely to have significant environmental impact will receive prior scrutiny in the early planning stages.

Environmental impact assessment legislation was first mentioned in the 1973 Speech from the Throne. A "Green Paper" was published in September 1973, and the government has on several occasions promised to introduce legislation in the 1974-75 session. As Premier Davis described it in a 1973 speech, "This type of before-the-fact assessment would help us to avoid environmental pitfalls at the outset."

CELA's own environmental assessment team has spent the past eighteen months studying similar legislation and its efficacy in other countries, and has drafted a model environmental assessment bill - the principles of which have been endorsed by many major organizations, municipalities and individuals (see attached list). CELA presented its bill to the Environment Ministry in October 1974, and intends to make it public shortly.

Why has CELA written its own bill, rather than leaving it to the government to draft legislation?

Everything the government has said on the subject of environmental impact assessment - in the Green Paper, in public pronouncements by cabinet ministers and in discussions with them - indicates that the government's bill will do no more than give the government the power to use environmental assessment to protect the environment. It will not require the government to use that power - let alone provide citizens with the legal means to enforce the law if the government refuses to act.

The government has committed itself, in principle, to the establishment of an independent Environmental Hearing Board to make recommendations on the basis of the environmental impact statements submitted to it.

But it has not suggested ways to make the Board truly independent - to make it non-partisan and immune to political influence, and to provide it with its own sources of information, so that it will not have to depend upon the industries and government bodies it is supposed to be regulating.

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The government has committed itself, in principle, to requiring environmental impact assessments for all projects having significant environmental impact.

But which projects are those? How much impact is "significant"? The government would reserve to itself, or to the Board, the power to decide - with no way to appeal the decision.

We have no assurance that the unfettered discretion to exempt projects considered too small to need an assessment will not be abused.

The government has committed itself to the principle of citizen participation in the assessment process.

But nowhere has the government indicated that it is prepared to take steps to make effective public participation a reality - steps which, in the opinion of experts all across North America, are absolutely essential if environmental assessment is to do what it is supposed to do.

- \* It is not prepared to guarantee full disclosure of all information, without which any public hearing would be - as the Pickering Airport hearing was - a farce.
- \* It is not prepared to give notice of proposed projects to anyone likely to be affected, and give it early enough for people with objections to prepare their case.
- \* It is not prepared to permit all concerned citizens to be represented before the Board, or to ask a court to review matters if the Board errs.
- \* It is not prepared to provide funding to objectors acting in the public interest. Our present system, where the proponent, whether a government agency or industry, spends hundreds of thousands of dollars in preparation for hearings, while citizens have virtually nothing, is sheer hypocrisy. One critic has compared it to the evenhandedness of the Roman emperors in matching up Christians and lions in the arena: "One lion, one Christian, and may the best lion win."

There is no reason to believe that the government's bill will ensure meaningful public involvement, or provide for an independent opinion from the Board - two principles the government has espoused. Nor is there any assurance that its bill will not allow the government to exempt projects, or ignore the bill's provisions, when it is administratively and politically convenient to do so.

A bill with these deficiencies does not come close to implementing the principles which CELA has articulated, which hundreds of thousands of Ontarians are demanding, and to which the government has committed itself.

The manner in which these deficiencies can be rectified are detailed in CELA's bill. Unless they are remedied, the government's legislation will be no more than a statement of pious principles.