



THE CONSERVATION COUNCIL OF ONTARIO

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**STATEMENT OF THE CONSERVATION COUNCIL
TO THE STANDING COMMITTEE ON RESOURCES AND DEVELOPMENT**

BILL 14 - THE ENVIRONMENTAL ASSESSMENT ACT

This Council has long advocated an orderly approach to environmental assessment, and we welcome the appearance of legislation which seeks to achieve this. The Act as amended covers many of the points we had hoped to see incorporated in such legislation, and we look forward to the day when consideration of the environmental impact of new projects will be as routine an activity as consideration of economic implications is today.

The Act provides for definitions of "major projects" by Regulation, and the Minister has suggested to us that this approach is to avoid the unnecessary litigation which could result from an attempt to incorporate these definitions in the Act itself. However, this means that the entire scope of the Act will be determined in practice by the Regulations, and if an occasion arises that is not covered by the Regulations there appears to be no way in which an Impact Assessment could be required, no matter how significant the matter.

We would urge that, as a minimum, the Regulations be drafted to cover the full range of major projects with a schedule for implementation, and this should be available as soon as the Act is proclaimed. We are not sympathetic to the suggestions that entire categories of activity should be exempt. It is, after all, not unreasonable to expect that the proponent of a significant undertaking should have to consider the impacts of his activity before commencing. On the other hand, uncertainty is damaging and the present lack of definition and scheduling can only cause concern and alarm in the private sector. The schedule might give reasonable warning of the dates when the programme would become applicable in the private sector.

We note that there is no provision for public notice that an Assessment is being undertaken. Under these circumstances the 30 day period allowed for making submissions (Section 2 of Section 7) on completion of the Assessment could be very short to allow a responsible commentary to be proposed.

Another matter of concern is the condition that the Minister may decide not to remit a matter to the Environmental Hearing Board if this would "cause undue delay". Urgency has been the justification for rail-roading through many environmentally questionable decisions both in Canada and elsewhere. This provision would seem to favour the procrastinator who does a poor planning job, and then presses for hasty approval on the basis of the advanced state of his programme. Similarly, it is not clear under what circumstances the Minister could decide a hearing was "unnecessary".

We welcome the addition of sections providing for public input, and the provisions requiring information to be made available. Public access to relevant information is vital if an intelligent reaction is to be achieved. We see the present provisions still as a bare minimum in this respect.

We are pleased to see the broad definition of environment in the Act, that will require consideration of "social economic and cultural conditions that influence the life of man or a community".

In concluding we would like to reiterate some comments from our Brief on the Green Paper on Environmental Impact which we believe are even more valid at this time, with draft legislation now a matter of debate.

We hope that the processes of environmental assessment can be parallel to other planning and approval activities. Some delay seems inevitable, as the review procedure must precede implementation but also presupposes fairly final planning information, and the review itself will take time. The incentive here, however, would be for the originator to make his submission so ambiguously competent that this process would be expedited. An incomplete review, requiring further lengthy biological field work, would be the originator's full responsibility for time lost.

Concern has been expressed at times about evaluation processes of this kind being costly and time-consuming out of proportion to their social benefit. Such matters are impossible to weigh, and sometimes it may be possible this view is correct. In general we feel it represents a gross failure to recognize the complexity of social decision-making today, and often a kind of negative reflex reaction to a new and rather challenging procedure. The element of cost also overlooks the important cost savings that can be expected to follow from an effective assessment system, although it is true that these savings accrue to society as a whole, whilst the costs accrue to the developers of the schemes.

We are currently in a phase where public agencies are learning how to talk to one another, and the agencies at least have a legacy of distrust to overcome. Hence there will be mistakes and delays, but we see no reason why these should continue for long, given fair and open process. We are aware of the initial adversary climate in the United States and long delays that resulted but we are not convinced this has much relevance to Ontario.

At the same time it would be naive to expect that conflicts will disappear; they may even become more apparent, for those who once were simply imposed upon will now have a vehicle to make themselves heard. Conflict is inherent in the resource decision-making process: we hope this procedure will be one which will allow such conflict to be assessed openly and reasonably balanced, to produce better decisions for society as a whole.

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July 8, 1975