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Environmental Groups Release Legal Opinion... **Electricity Plan Requires Provincial Environmental Assessment**

Toronto: A provincial environmental assessment will be required for the long-term electricity plan being developed by the Ontario Power Authority (OPA), according to a legal opinion released today by the David Suzuki Foundation, Greenpeace Canada, and the Pembina Institute. The opinion was prepared by legal counsel with the Canadian Environmental Law Association.

"The legal opinion makes it clear that the Ontario Power Authority's electricity plan requires a provincial environmental assessment. An assessment will provide a badly needed opportunity for a rigorous public examination of the flawed assumptions behind the Power Authority's December 2005 recommendations," said Dr. Mark Winfield, Director of the Pembina Institute's Environmental Governance Program.

The OPA's draft 20-year plan has been widely criticized for underestimating renewable energy and conservation potential, while over-estimating growth in electricity demand in order to rationalize new nuclear power plants. Nuclear power has been condemned because of safety and environmental problems as well as high cost and poor performance. The government has limited public consultation to a 77-day comment period under the Environmental Bill of Rights (including winter holidays), three days of public meetings in February 2006, and distribution of a 12-page promotional leaflet to Ontario households last week.

"So far we've had a bad electricity plan and a bad consultation process. To make the case for a sustainable electricity system, we need real public consultation not public relations. There's a legal obligation to hold a full environmental assessment on this controversial nuclear power plan" said Dave Martin, Energy Coordinator for Greenpeace Canada.

"A variety of recent reports have shown that renewable energy sources and efficiency can provide Ontarians with better and more reliable options than nuclear energy" said Dale Marshall, policy analyst with the David Suzuki Foundation.

In January, environmental groups proposed a 4-6 month Walkerton-style inquiry to debate and test the assumptions of the OPA's draft plan. The report of the inquiry would guide the government's final directives to the OPA. Once the plan is finalized by the OPA, it would be subject to a provincial environmental assessment, as required by Ontario's Environmental Assessment Act. However, the provincial government is expected to issue directives to the OPA in mid-March. The Electricity Act, the legislation that created the OPA, only requires a review of the plan by the Ontario Energy Board (OEB). The OEB review would focus on economics, and not environmental or social issues. An environmental assessment of the plan

would allow a discussion of the province's electricity needs and alternative energy strategies that would not be addressed by the OEB or in project-specific assessments.

The legal opinion is available on the website of the Canadian Environmental Law Association at www.cela.ca.

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