

Publication #311
ISBN#978-1-77189-416-6

OUR FUTURE, OUR HEALTH

A Statement of Concern from Environmental Organizations in Ontario

*"We lose 1,800 Ontarians [a year]
prematurely due to
poor quality air in the province."*

The Honourable Norman Sterling,
Ontario Minister of Environment and Energy
quoted in the Globe and Mail,
October 16, 1996



OUR FUTURE, OUR HEALTH:

A Statement of Concern by Environmental Organizations in Ontario

Endorsed by:

Brereton Field Naturalists Club
Canadian Environmental Defence Fund
Canadian Environmental Law Association
Canadian Institute for Environmental Law and Policy
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March, 1997

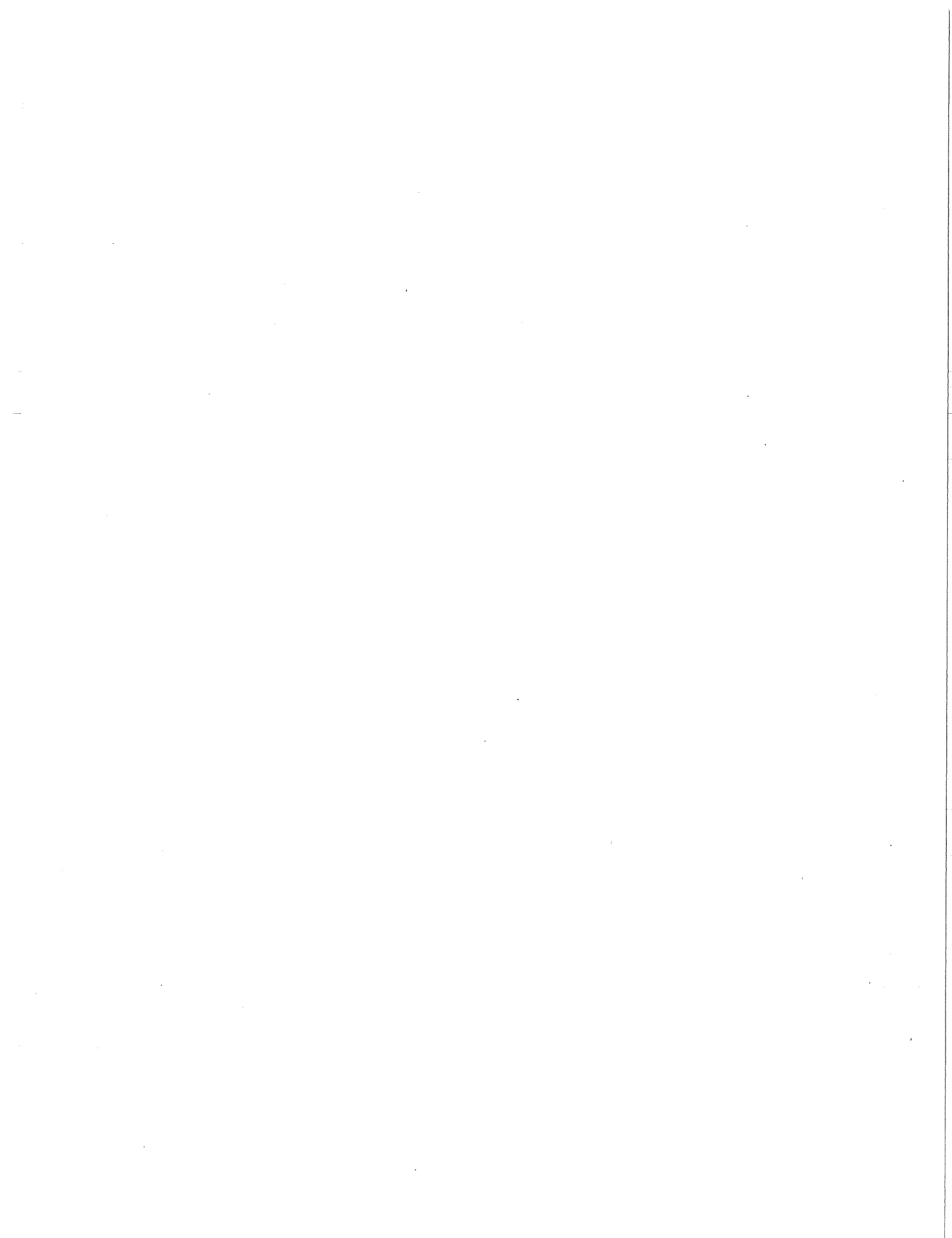
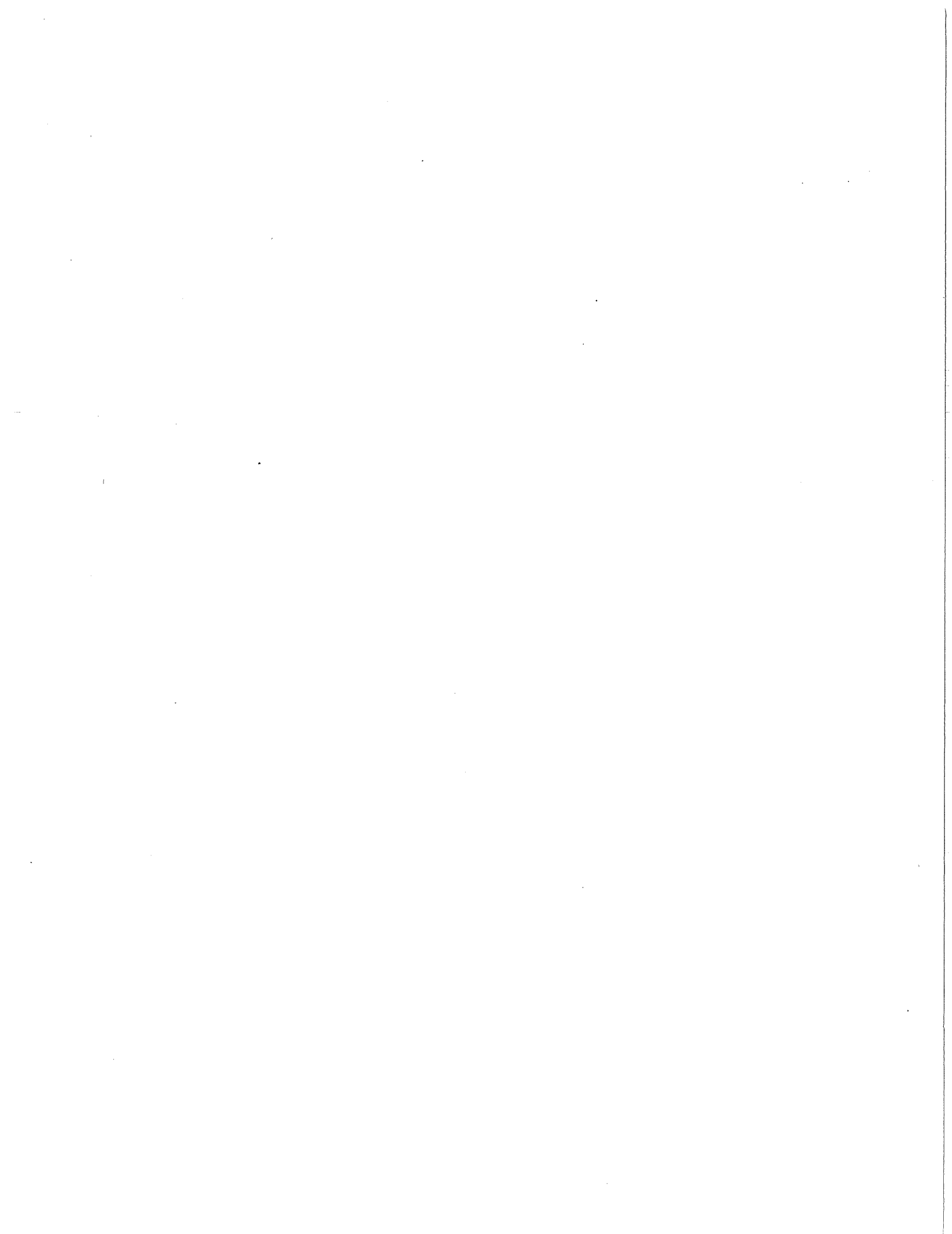


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I. INTRODUCTION

Over the past 18 months, the government of Ontario has undertaken a dismantling of environmental laws, regulations, policies and institutions that is without precedent in the history of the Province.¹ We, the member organizations of the Ontario Environmental Protection Working Group, are alarmed about the implications of these changes for the health and well-being of present and future generations of Ontarians. We believe that the future of Ontario's people and its environment is being sacrificed for short-term economic gain.

Ontario citizens have expressed their concern for protection of the natural environment since the early nineteenth century. They created field naturalist clubs throughout the province, which then came together as the Federation of Ontario Naturalists in the early days of this century.

In the post-war years, the Ontario government responded to the concerns expressed by Pollution Probe, the Canadian Environmental Law Association, the

...the future of Ontario's people and its environment is being sacrificed for short-term economic gain.

Canadian Environmental Law Research Foundation and others. The regulatory regime put in place in the early 1970s dealt with many of the acute threats to human health and the environment posed by toxic substances. In the following decade, measures to address such problems such as acid rain and ozone-layer depletion were also moved forward by governments,

industry and environmental NGOs working together to find common ground and put cost-effective solutions in place.

Despite these successes, air and water pollution, and the handling of hazardous wastes still pose threats to the health of Ontario citizens and the other species with whom we share our environment. Many of these threats are documented in **Appendices 1(Air), 2(Water), and 3(Waste Management)** of this report, drawing on the Ontario Ministry of the Environment and Energy's 1992 Status Report on Ontario's Air, Water and Waste, which was released to the public in January 1997,² and other authoritative sources.

It was clear that further action was needed to protect Ontario's environment well before the current government was elected in June 1995. However, the

¹ See, for example, M. Winfield and G. Jenish, The Common Sense Revolution and Ontario's Environment: A First Year Report (Toronto: Canadian Institute for Environmental Law and Policy, June 1996).

² MoEE, 1992 Status Report on Ontario's Air, Water and Waste, (Toronto: Ministry of Environment and Energy, unpublished, undated - released by MoEE January 1997).

government has moved in the opposite direction. It has weakened, rather than strengthened Ontario's environmental protection system, - with the result that Ontario citizens are now exposed to greater environmental risk than they were two years ago.

The province's capacity to address ongoing serious environmental issues is being dismantled. The problems of urban air pollution, the degradation of surface and ground water in southern Ontario, industrial air and water pollution in northern Ontario, and the continued generation of more than two million tonnes of hazardous and liquid industrial wastes each year, have all been highlighted by the Ministry of Environment and Energy itself in its 1992 Status Report on Ontario's Environment.³ These problems, and the steps taken by the province which seem likely to make them worse, are outlined in detail in **Appendices 1, 2, and 3** of this document.

Moreover, the province's actions are undermining the achievements of the past. These include the reductions of nutrient loadings in the Great Lakes, cuts in acid rain causing emissions, and expansion of municipal recycling and household hazardous waste collection programs. These successes, and the measures being taken by the province which are likely to affect them, are described in the **Appendices** as well.

The government's actions are deeply at odds with public opinion regarding environmental protection. Public opinion surveys over the past few years have consistently shown that the public wants stronger, not weaker, government action to protect the environment.⁴ An Environics Research/Environmental Monitor survey, completed last summer, for example, indicated that even in the context of budgetary reductions, over 80 per cent of Ontario respondents wanted environmental laws to be made stricter, and 13 per cent favoured maintaining the status quo. Only 3 per cent supported removing some requirements from existing laws.⁵

In this document, we set out an alternative vision of what environmental protection in this province should provide. It focuses on the fundamental role of the provincial government in the protection of public goods, such as public health and safety, clean air, water and land, the protection and conservation of biological diversity, and the ecologically sustainable management of natural resources. The

³ Ibid.

⁴ See, for example, The Environmental Monitor, "Canadians and the Environment," presentation to the Canadian Council of Ministers of the Environment, Whitehorse, Yukon Territory, October 23, 1995, and GTCC Quality of Life Steering Committee, Comparative Advantage: An Enviably Quality of Life (October 1995).

⁵ Environics Research Group Ltd., The Environmental Monitor 1996-2.

environmental policy debate in Ontario must deal with these real environmental problems which we face as a society, and not just short-term economic concerns.

We conclude with a challenge to the Premier and Minister of Environment and Energy asking them to make public commitments to the following measures:

1. **ensure that Ontario is able to fulfil its intergovernmental environmental commitments**, such as those under the *1994 Canada-Ontario Agreement on the Great Lakes Ecosystem*, **and that it does not undermine Canada's international commitments** under such treaties as the *Great Lakes Water Quality Agreement*;
2. **provide detailed annual state of the environment reports to Ontarians;**
and
3. **provide for the effective enforcement of Ontario's laws which protect the environment and the health and safety of its residents.**

These steps are essential. These commitments must be made to protect the health and well-being of present and future generations of Ontarians.

II. SERIOUS ECOLOGICAL HEALTH PROBLEMS CONTINUE TO EXIST IN ONTARIO

1) Air Pollution

Some of the most serious involuntary health risks to which Ontario citizens are exposed are associated with different forms of air pollution.⁶ Many air pollution problems, such as acidification caused by sulphur dioxide emissions, have been significantly reduced by regulatory action taken by Ontario governments over the past two decades.

POLLUTANTS OF CONCERN

However, Ontario citizens, particularly those living in urban areas, still face a number of health threats as a result of poor air quality. The pollutants of concern include ground-level ozone, nitrogen oxides, particulates, hydrogen sulphide, sulphur dioxide and toxic substances.⁷

URBAN SMOG

Urban smog, caused by fossil fuel combustion in transportation and stationary energy uses, poses the most significant threat. While concentration levels of some pollutants have declined over the past decade, ground-level ozone concentrations have steadily increased. The Ontario and Canadian governments project that this trend will continue unless additional action is taken.⁸ Scientists have documented a causal correlation between hospital admissions for respiratory problems and high smog levels⁹ and "between premature death due to respiratory disease and airborne particulates, ozone, and nitrogen oxide."¹⁰

The smog problem was documented by the Ontario Ministry of Environment and Energy in its 1992 State of the Environment Report:

⁶ We have limited our statement to outdoor air quality and have not addressed here many serious indoor and occupational health risks.

⁷ Janis Haliniak and Ellen Schwartzel, Pollution Probe, Behind the Smoke-Screen: The State of Canada's Air. Toronto: Pollution Probe, November, 1992.

⁸ CCME NOx and VOCs 1990 Management Plan and 1994 Progress Report; Pollution Probe and York Centre for Applied Sustainability conference proceedings, "Clearing the Air: Transportation, Air Quality and Human Health Conference," April 24-25, 1996.

⁹ Monica Campbell, "Our Cities, Our Air, Our Health: Perspectives on Urban Air Quality and Human Health," in Thomas Fleming, ed., The Environment and Canadian Society (Toronto: ITP Nelson, 1997).

¹⁰ Ibid., citing Ozkaynak et. al, 1995. See also CELA, Submission of the Canadian Environment to the Standing Committee on Resource Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).

"Ground-level ozone levels have shown a resurgence in the last few years. In places where industry and vehicle traffic are densely concentrated, pollution levels rise rapidly when weather conditions favour their buildup. As a result, many centres in the province continue to experience periodic episodes of moderate to poor air quality."¹¹

More recent documentation was provided by the Ministry in its 1996 discussion paper, Towards a Smog Plan for Ontario:

"It's now well known and documented that smog not only aggravates a wide range of serious health problems such as asthma and other respiratory diseases, it can also increase mortality rates... Recent studies have linked human death rates with exposure to inhalable particulates. This association is apparent in ambient or open air concentrations typical of metropolitan areas in North America including Toronto, Detroit and Los Angeles."¹²

Dr. Monica Campbell, a toxicologist with the Metro Toronto Teaching Health Units, North York Health Department, has provided this summary of the air pollution threat in Ontario: "Taken together, these studies clearly show that

Human health is at risk under existing regulatory programs

existing pollutant levels in southern Ontario are affecting the public's health."¹³ Human health is at risk under *existing* regulatory programs, even before we begin to experience the effects of the current government's proposals to weaken controls on air pollution, documented in **Appendix 1**.¹⁴

The smog problem is likely to be seriously affected by a number of the government's actions. These include the repeal of land-use planning policies that were intended to curb urban sprawl and consequent increases in automobile use.¹⁵ The government has also announced its intention to eliminate provincial funding for public transit services in the province.¹⁶ These steps will increase the

¹¹ MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.7 - draft report.

¹² MoEE, Towards a Smog Plan for Ontario: A Discussion Paper, June, 1996.

¹³ Ibid., p.116.

¹⁴ For a statement of that concern prior to June 1995 see, Ellen Schwartzel (Pollution Probe) and Dan Smith (Pembina Institute), Remedies for Canada's Smog Problem (Ottawa: Atmosphere Caucus of the Canadian Environmental Network September 1994).

¹⁵ See the Land Use Planning and Protection Act, 1996 (Bill 20). For a detailed discussion of the impact of Bill 20 see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).

¹⁶ MTO Press Release, January 15, 1997.

province's emissions of carbon dioxide, contrary to Canada's and Ontario's international commitment to stabilize CO₂ emissions.

ACID RAIN

Furthermore, despite the success of the Countdown Acid Rain Program, acid rain deposition continues to be a problem, and further measures will be needed to reduce emissions.¹⁷ In addition, the province's existing standards for a broad range of toxic air pollutants are widely regarded as being out of date and inadequate. In some cases, U.S. and Canadian federal government standards are higher than Ontario standards by several orders of magnitude.¹⁸

2) Water Pollution

Pollution of surface and ground water also poses both direct health threats, from drinking water contamination, and indirect threats as contaminants are passed up the food chain on their way to human consumption. Considerable progress has been made in the province towards reducing some forms of water pollution over the past thirty years. In particular, concentrations of many toxic pollutants have declined,¹⁹ as have phosphorous concentrations in the Great Lakes.²⁰

However, the 1992 Ministry of Environment and Energy's Status Report on Ontario's Environment documented the continuing serious water quality problems in the province:

SURFACE WATERS

"Problems of nutrient enrichment, turbidity, and bacterial contamination are widespread in inland rivers and lakes across southern Ontario, largely as a result of urban and agricultural land use."²¹

¹⁷ MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.31.

¹⁸ On current Ontario standards vs. EPA and Environment Canada and Health Canada Guidelines see J. Smith (Acting Director, Standards Development Branch, MoEE, "Proposed Standards Information Package Presentation Overheads" (Toronto: MoEE, January 1997). See also I. Dick, J. McGowan, P. Menguzzzi, and J. Swaigen, "Air Quality", in J. Swaigen ed., Environment on Trial: A Guide to Ontario Environmental Law and Policy (Toronto: CIELAP and Emond-Montgomery Publishers, 1993).

¹⁹ Environment Canada, The State of Canada's Environment (Ottawa: Supply and Services Canada, 1991), Isobel W. Heathcote, "Canadian Water Resources and Management 1997," in Thomas Fleming ed. The Environment and Canadian Society (Toronto: ITP Nelson 1997).

²⁰ MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.56.

²¹ Ibid., p.42.

"Water with an average faecal coliform density of more than 100 counts per mL in a series of water samples is considered unsafe for swimming or other recreational uses ... levels in excess of this guideline are reached in many parts of southern Ontario..."²²

"In general, then these measures of surface water quality, except for phosphorous, have improved little since the 1970's and in some areas there is evidence of continuing deterioration"²³

Toxic substances also continue to contaminate Ontario water:

**FISH
CONTAMINATION**

"Because of the potential health risk from eating contaminated fish, sport fish in Ontario's lakes and rivers have been regularly sampled and tested for toxic substances for a number of years. Consumption advisories are issued for those lakes and rivers where contaminated fish have been found. ... consumption advisories have been issued for 45-55 cm walleye... [and] 35-55 cm lake trout ... For both species, total consumption restrictions are relatively few, but partial restrictions are widespread."²⁴

**NORTHERN
WATERS**

The Ministry also noted continuing water quality problems in Northern Ontario, particularly for sensitive areas exposed to acid rain, and due to the local effects of pulp and paper mills, and mining and forestry operations.²⁵

In its recent review of environmental protection in Canada, the Organization for Economic Cooperation and Development (OECD) recognized the progress which had been achieved. But it also pointed to continuing problems:

**GREAT LAKES
AND
ST. LAWRENCE**

"Surface water quality is generally high and significant improvements have recently been achieved in many locations. Nevertheless, local problems remain: the Great Lakes and St. Lawrence basins continue to suffer from industrial and municipal pollution, urban and agricultural run-off and atmospheric deposition..."²⁶

GROUNDWATER

The government has proposed a number of measures which are likely to make the problems of surface and groundwater contamination more serious. Among the

²² *Ibid.*, p.45.

²³ *Ibid.*, pp. 51-52.

²⁴ *Ibid.*, p. 47.

²⁵ *Ibid.*, p.42.

²⁶ OECD Environmental Performance Reviews - Canada (Paris: OECD, 1995), p.61.

most significant are the proposals to expand the protection of agricultural activities from the requirements of the province's environmental protection legislation, through amendments to the *Farm Practices Protection Act*.²⁷ This is despite the growing evidence of the severe impacts of agricultural activities on water quality in the province.

In addition, both the Ministry of Environment and Energy and the Red Tape Commission have proposed to significantly weaken the requirements of the province's MISA (Municipal-Industrial Strategy for Abatement) regulations, which control discharges from industrial sources.²⁸ These proposals, and the specific environmental problems which they are likely to exacerbate, are outlined in **Appendix 2**.

3) Waste Management

HAZARDOUS WASTE

The generation and management of hazardous industrial wastes, and non-hazardous municipal solid wastes continue to pose significant problems for Ontario. In its 1992 Status Report on Ontario's Air, Water and Waste, the Ministry of Environment and Energy stated that Ontario industries continue to generate approximately 2 million tonnes of hazardous and liquid industrial wastes each year.²⁹ There is evidence that the amount of hazardous and liquid industrial waste being shipped off-site for disposal is increasing.³⁰

Forty per cent of these wastes are disposed of on-site through landfilling and discharges to the air, water and municipal sewer systems. Sixty percent is shipped-off site for disposal through landfilling, sewage treatment plants, incineration, export, reclamation, and dust suppression.³¹

PCBs

CFCs

The Ministry also stated that there were 113,000 tonnes PCBs in storage at 1,751 sites across the province. In addition, it anticipates a need for treatment of 40,000 tonnes of CFC's as these chemicals are phased out.³² The Ministry highlighted the continuing problems with the disposal of biomedical wastes,

²⁷ EBR Notice AC7E0001.P, *The Farm Practices Protection Act*, January 28, 1997.

²⁸ MoEE, Responsive Environmental Protection: A Consultation Paper, and Red Tape Review Commission, Cutting Red Tape Barriers to Jobs and Better Government (Toronto Cabinet Office, January 1997), p.75.

²⁹ MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.86.

³⁰ MoEE, Distribution of Hazardous and Liquid Industrial Waste in Ontario, 1995, p 3

³¹ Ibid., p.89.

³² Ibid., pp.90-91.

particularly in small hospital incinerators which lack modern air pollution equipment, as well.³³

The Ministry of Environment and Energy and the Red Tape Commission have both proposed major changes to the regulatory regime for the management of hazardous and liquid industrial wastes.³⁴ Many of these proposed changes would weaken or eliminate many of the existing requirements for the handling of such wastes.³⁵

**MUNICIPAL
SOLID WASTE**

Municipal solid waste management is one area where the Ministry has achieved some significant successes. Its 1992 Status Report claims a 25 per cent reduction in the amount of non-hazardous waste sent to disposal between 1987 and 1992. It also indicates that there has been a dramatic increase in the number of households with access to recycling programs.³⁶

**3RS AND
HHW**

However, the successes are also under threat. Funding for municipal recycling and household hazardous waste programs has been eliminated.³⁷ In addition, the repeal of regulations requiring waste reduction, reuse and recycling measures by Industrial, Commercial and Institutional waste generators, and requiring the use of refillable soft drink containers, have been proposed by the Red Tape Commission.³⁸

The likely impact of the government's actions on waste management problems in the province is outlined in **Appendix 3**.

³³ Ibid., p.89.

³⁴ MoEE, Responsive Environmental Protection: A Consultation Paper (Toronto: MoEE, July 1996), and Red Tape Review Commission, Cutting Red Tape Barriers to Jobs and Better Government (Toronto: Cabinet Office, January 1997).

³⁵ See M. Winfield and G. Jenish, Comments on Responsive Environmental Protection: A Consultation Paper (Toronto: Canadian Institute for Environmental Law and Policy, October 1996).

³⁶ Ibid., pp.83-84.

³⁷ Winfield and Jenish, The Common Sense Revolution and Ontario's Environment, p.33.

³⁸ Red Tape Commission, Final Report, p.69.

III. THE ONTARIO GOVERNMENT IS UNDERMINING ITS OWN CAPACITY TO DEAL WITH THESE PROBLEMS

Since taking office in June, 1995, the current government has dismantled many of the tools we need to address these continuing problems. By the 1997/98 fiscal year, the budget of the Ministry of Environment and Energy is to be reduced by 37 per cent against a 1994/95 base year, and the agency is to lose 31 per cent of its staff.³⁹

...the Ministry no longer has the capacity to perform many of its core environmental protection functions.

As a result, the Ministry no longer has the capacity to perform many of its core environmental protection functions. This has been made clear by internal Ministry documents recently obtained by the public which indicate growing concern over "regulatory negligence" claims against the Ministry.⁴⁰ In effect, the Ministry is taking steps to protect itself from lawsuits from Ontario residents whose persons or property are harmed as a result of the Ministry's inability to carry out its regulatory functions.

Other impacts of the reductions in the Ministry's budget include:

- ⇒ the number of water monitoring stations has dropped from nearly 700 in 1991 to just over 200;⁴¹
- ⇒ the number of air monitoring stations has decreased to its lowest level in twenty years;⁴²
- ⇒ pesticide testing services have been cut by more than half;⁴³ and
- ⇒ there has been a significant decline in prosecutions for environmental offenses.⁴⁴

³⁹ Winfield and Jenish, The Common Sense Revolution and Ontario's Environment.

⁴⁰ Memo from Sheila N. Willis, Assistant Deputy Minister, Operations Division, to Jack Johnson, Director, Legal Services Branch, MoEE, dated December 20, 1996 reported in M. Mittlestaedt, "Ontario prepares negligence defence," The Globe and Mail February 18, 1997.

⁴¹ OPSEU, Nothing Left to Cut, January 9, 1996.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ M. Mittlestaedt, "Ontario pollution fines plunge," The Globe and Mail, January 10, 1997

At the same time, the government has amended the *Mining Act*, *Planning Act*, *Environmental Assessment Act*, *Public Lands Act*, *Lakes and Rivers Improvements Act*, *Gasoline Handling Act*, and *Conservation Authorities Act* in ways which weaken their environmental protection requirements. Similar amendments to the *Environmental Protection Act* and *Ontario Water Resources Act* are before the Legislature.⁴⁵ Proposals to expand the protection of agricultural activities from environmental, public health and land-use planning legislation have been presented as well.⁴⁶

The government is also in the process of weakening the regulations passed under these acts which set specific environmental standards. The July 1996 discussion paper Responsive Environmental Protection suggested a number of such changes.⁴⁷ Many of these proposals, and others put forward by the mining, chemical, petroleum products, waste management and other industry sectors⁴⁸ were incorporated into the final report of the Red Tape Review Commission, which was delivered last month. Among other things, the Commission recommended:

- ⇒ a new definition of "recyclable material" which will remove controls on the movement, handling and storage of hazardous waste materials destined for "recycling";⁴⁹
- ⇒ the removal of all regulatory controls from on-site waste disposal;⁵⁰
- ⇒ the elimination of the regulation requiring that some soft-drinks be sold in refillable containers;⁵¹
- ⇒ the elimination of the waste reduction, re-use and recycling regulations for industrial, commercial and institutional waste generators;⁵²

⁴⁵ Bill 57, *The Environmental Approvals Process Improvements Act*.

⁴⁶ Ontario Ministry of Agriculture, Food and Rural Affairs, EBR Notice ACE0001.P *The Farm Practices Protection Act*.

⁴⁷ MoEE, Responsive Environmental Protection: A Consultation Paper (Toronto: MoEE, July 1996).

⁴⁸ M. Mittlestaedt, "Industries urge Ontario to ease pollution laws," *The Globe and Mail*, May 21, 1996. Industry submissions to the MoEE's regulatory review process are available in an "open file" at the Ministry.

⁴⁹ Red Tape Commission, Cutting the Red Tape Barriers to Jobs and Better Government, January, 1997, p.65.

⁵⁰ ibid., p.66.

⁵¹ ibid., p.69.

- ⇒ the revisions of section 43 of the Environmental Protection Act to reduce private sector liability for contaminated lands remediation;⁵³ and
- ⇒ the weakening of monitoring and reporting requirements under the province's Municipal-Industrial Strategy for Abatement (MISA) industrial water pollution control program.

These measures are correlated with the environmental problems which they are likely to affect, in **Appendices 1, 2, and 3** of this report.

⁵² Ibid.

⁵³ Ibid., p.72.

IV. PRINCIPLES FOR ONTARIO'S ENVIRONMENTAL AND NATURAL RESOURCE POLICIES

We believe that the approaches to environmental protection and natural resources management being pursued by the government of Ontario will cost present and future generations of Ontarians heavily in economic, social and environmental terms.

We believe that a fundamentally different approach, constructed on the following principles, is required to ensure the future well-being of Ontarians.

1. Protecting the Environment

Ontario's parks, forests, wildlife, air, public lands and waterways constitute a public trust, which must be protected and conserved for the future benefit of all Ontarians;

2. Government Responsibility

Governments have a fundamental role to play in the protection of these public goods, the protection and enhancement of ecological capital, and in ensuring the environmentally sustainable use of energy, land, material, and water resources. Governments, acting in the public interest, must ensure that economic activities are carried out within the context of sustainability, and are socially desirable and economically viable (on a full cost accounting basis).

3. The Regulatory Framework

Governments have a responsibility to provide and enforce environmental standards. On the basis of historical experience and current events private actors cannot be relied upon to regulate their own use of public environmental resources. The marketplace alone cannot provide for the effective protection of public goods, such as public health and safety, clean air, water and land, the protection and conservation of biological diversity, and the ecologically sustainable management of natural resources.

4. Public Accountability

Governments must be able to be held to account for their actions and the consequences of their laws and policies. State of the Environment reporting and public access to information are the cornerstones of this accountability.

5. Public Access to decision-making

Governments must ensure that those who will be affected by government decisions and policies have the right to participate in the decision and policy-making processes.

6. Resources

Governments must ensure that sufficient resources are provided to agencies, boards and commissions mandated to protect Ontario's environment and natural resources.

We ask that the government of Ontario accept its responsibilities to present and future generations of Ontarians, and act in accordance with these principles.

V. A CHALLENGE TO THE GOVERNMENT OF ONTARIO

The Premier of Ontario has made the following public statement regarding the importance of environmental protection:

*"protecting the environment for the future generations ranks equally with us as the fiscal situation for future generations."*⁵⁴

Similarly, the July 1996 Ministry of Environment and Energy consultation paper Responsive Environmental Protection stated that:

*"The fundamental objective of MoEE's regulatory reform is to ensure continued human health and safety and environmental protection while eliminating red tape, obsolete regulations and simplifying the system in order to promote economic growth and job creation."*⁵⁵

The paper goes on to say:

*"There will be no reduction or relaxation of environmental standards as a result of regulatory reform."*⁵⁶

In a news release dated September 5, 1996, the Minister of Environment and Energy, the Hon. Norm Sterling, stated:

*"I want to ensure that Ontario's high standards are maintained..."*⁵⁷

His Parliamentary Assistant, Dr. Douglas Galt, M.P.P for Northumberland, added:

*"Improving environmental protection is paramount."*⁵⁸

Through these statements, the government of Ontario has indicated its commitment to protecting the health of Ontario citizens and that of all other life in the province. However, this commitment has not been matched by the government's actions.

⁵⁴ The Globe and Mail, Aug. 17, 1996.

⁵⁵ Ontario Ministry of Environment and Energy, Responsive Environmental Protection: Reforming Environment and Energy Regulation in Ontario, A Consultation Paper, 7/96, p. 16.

⁵⁶ Ibid.

⁵⁷ MoEE news release, Sterling extends consultation on responsive environmental protection, September 5, 1996.

⁵⁸ Ibid.

We have documented here threats to the health of Ontario's environment identified by the Ministry of Environment and Energy and others. We have given examples of actions taken by the Ontario government which significantly reduce its ability to deal with these threats, and in many cases make them worse. We have also documented how many of the government's actions seem likely to undermine Ontario's past environmental successes.

We believe that the interests of future generations of Ontarians can only be protected if the government embarks on a fundamentally different direction with respect to the environment.

As a consequence, we ask the government of Ontario to accept the principles for Ontario's environmental protection and natural resource management policies which we have outlined, and ask that it put these principles into action by making an immediate commitment to take three essential steps.

1) Fulfilling Intergovernmental and International Commitments.

The government's actions raise serious questions about Ontario's ability to fulfil its obligations under a number of major intergovernmental agreements, most notably the *1994 Canada-Ontario Agreement on the Great Lakes Basin Ecosystem*. This threatens Canada's ability to fulfil its obligations under the *Canada-U.S. Great Lakes Water Quality Agreement*. Canada's ability to comply with the requirements of other international agreements, such as the *Canada-U.S. Agreement on Transboundary Air Pollution*, the *Framework Convention on Climate Change*, the *United Nations Convention on Biological Diversity* and the *Montreal Protocol* may be undermined by the province's actions as well.

We ask:

that the government commit to ensuring that the Ministry of Environment and Energy, and other relevant Ontario government agencies have the resources and legislative and regulatory means necessary to fulfil its obligations under existing intergovernmental agreements, and that it does not place Canada's ability to comply with international environmental agreements in jeopardy.

2) Reporting on the Quality of Ontario's Environment

The government has claimed that its actions will not weaken the protection of Ontario's environment. It has an obligation to provide Ontarians with the information necessary to verify these claims.

We ask:

that the government commit to providing Ontarians with a comprehensive annual report on the state of Ontario's environment. This implies that capacity in the areas of environmental monitoring, science, and analysis must be maintained, as must monitoring and reporting requirements for industry under Ontario's environmental legislation.

In the longer term, we suggest that State of the Environment Reporting functions be assigned to the Office of the Environmental Commissioner of Ontario in order to maintain independence and impartiality with regard to this activity.

3) Ensuring the Enforcement of Ontario's Environmental Laws

The reductions in the Ministry's enforcement capacity, and the recent revelation of documents indicating serious concerns regarding the issue of regulatory negligence within the Ministry, raise major questions regarding the continued effective enforcement of Ontario's environmental laws.

We ask:

that the government commit to ensuring that the MoEE has the capacity and resources to conduct an effective enforcement policy to achieve and maintain province-wide compliance with its legislation and regulations for the protection the environment and human health;

that the government commit to providing Ontarians with detailed annual reports on the Ministry's enforcement activities in order to ensure accountability in these areas. These should be modelled on the annual "Offenses Against the Environment" reports, the last of which was released in 1994; and

that the government provide a commitment that no existing legislative or regulatory requirements for the protection of the environment or human health will be replaced with voluntary, or self-regulatory measures.

We believe that these measures are necessary to ensure the well-being of present and future generations of Ontarians.

APPENDIX 1

THE CONSEQUENCES OF RECENT ONTARIO GOVERNMENT INITIATIVES FOR ENVIRONMENTAL QUALITY

AIR

AIR

Environmental Problem <small>(As described in the MoEE's 1992 State of the Environment Report, except as noted)</small>	Ontario Government Action (Since June 1995)
<p>1. Ground level ozone levels rising.¹</p>	<ul style="list-style-type: none"> I. Elimination of Provincial Funding for Public Transit.² II. Devolution of Responsibility for GO Transit to Municipalities and withdrawal of Provincial funding.³ III. Weakening of land use planning requirements intended to curb urban sprawl.⁴ IV. Failure to enforce Regulation 353 (sets emission standards for light duty vehicles and prohibits tampering with emission control equipment).⁵ V. Failure to implement the promised vehicle inspection program.⁶ VI. Development of a smog plan which will not come into effect until 2015 and at that date will rely on voluntarism.⁷
<p>2. Nitrogen Oxide levels level but expected to rise with number of vehicles on road.⁸</p>	<ul style="list-style-type: none"> I. Elimination of Provincial Funding for Public Transit.⁹ II. Devolution of Responsibility for GO Transit to Municipalities.¹⁰

AIR

<p>2. (continued)</p>	<p>III. Weakening of land use planning requirements intended to curb urban sprawl.¹¹</p> <p>IV. Failure to enforce Regulation 353 (sets emission standards for light duty vehicles and prohibits tampering with emission control equipment).¹²</p>
<p>3. Hydrogen sulphide "still a major problem" in places such as Fort Frances and Cornwall, due to kraft pulp mills:</p> <p>⇒ Fort Frances nearly 200 days with moderate/poor air quality in 1991,¹³ Cornwall for more than 60 days¹⁴</p> <p>⇒ also TRS (total reduced sulphur compounds) commonly exceeded in Fort Frances (>300), Cornwall (>150), Terrace Bay and Red Rock due to kraft pulp mill operations.¹⁵</p>	<p>No initiatives to address issue.</p> <p>I. Reduction from 35 to 20 Air Quality Stations over past 4 years.¹⁶</p> <p>II. MoEE Air Issues Staff Reduced 32%.¹⁷</p>
<p>4. Highest ambient concentrations of sulphur dioxide in Sarnia, Hamilton, and Sudbury.¹⁸</p>	<p>I. Proposal to replace the Lambton Industry Meteorological Alert Regulation (Regulation 350) with a voluntary agreement. Regulation 350 requires industries emitting sulphur dioxide to curtail their emissions during an alert.¹⁹</p>
<p>5. No improvement of particulate emissions levels.²⁰</p>	<p>I. Proposal to replace Hot Mix Asphalt Regulation (Regulation 349) with a standardized approval regulation. Regulation 349 sets an in-stack particulate limit for all portable and permanent asphalt plants operating in Ontario.²¹</p> <p>II. No Provincial objective for fine particulate matter.</p>

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<p>6. 46,733 Tonnes of NPRI substances released to air from industrial sources in Ontario in 1994. Leading Substances are Xylene, Toluene, Ammonia, and Methanal.²²</p>	<p>I. MoEE Air issues staff reduced by 32%.²³ II. Elimination of the Advisory Committee on Environmental Standards (ACES)</p>
<p>7. Elevated levels of B(a)P (Benzene), a known carcinogen, recorded on a number of occasions in Sault St. Marie and Hamilton due to emissions from steel mills and automobile exhausts.²⁴</p>	<p>I. No provincial air standard for benzene.²⁵ II. Failure to enforce Regulation 353 as above.²⁶</p>
<p>8. Atmospheric concentrations of manganese rising (substitute for lead in gasoline).²⁷</p>	<p>I. No specific initiatives to address issue, although Ontario has indicated support for federal bill banning MMT (Bill C-94).</p>
<p>9. High altitude ozone declining over Ontario.²⁸</p>	<p>I. Proposal to consolidate ozone depleting substance regulations. Environmental implications unclear.²⁹</p>

AIR

<p>10. Evidence of global warming emerging.³⁰</p> <p>⇒ Natural Resources Canada estimated, as of October 1994, that Ontario's carbon dioxide emissions will rise 8.6% over 1990 levels by 2000.³¹ 29.7% of Ontario emissions are related to transportation.³² Note: current (December 1996) MoEE estimate is 1% rise of 1990 levels by 2000.³³</p>	<ul style="list-style-type: none"> I. Elimination of Provincial Funding for Public Transit.³⁴ II. Devolution of Responsibility for GO Transit to Municipalities.³⁵ III. Weakening of land use planning requirements intended to curb urban sprawl.³⁶ IV. MoEE Energy efficiency programs eliminated.³⁷ V. Proposal to revise requirements under the Building Code to remove energy efficiency requirements.³⁸ VI. Minister of Environment and Energy has declined to meet with the Ontario CO₂ Collaborative, a multi-stakeholder group that has devised a CO₂ strategy for Ontario.³⁹
<p>11. Major improvements in acidification of lakes due to Countdown Acid Rain,⁴⁰ but evidence that further action may be needed.⁴¹</p> <p>⇒ 19,000 of 250,000 lakes still acidic enough to cause damage to species living in them.⁴² Similar conclusion in Environment Canada <u>Annual Report on the Federal Provincial Agreements for the Eastern Canada Acid Rain Program</u> (1994). There is also evidence of a decline in NO_x emissions but it is much less dramatic.⁴³</p>	<ul style="list-style-type: none"> I. Proposals to Reduce reporting requirements under Countdown Acid Rain Program.⁴⁴ II. Proposal to replace the Boiler Regulation (Regulation 338/90) with "standardized approval regulation".⁴⁵ Regulation 338/90 sets limits for sulphur content of fuel in oil and coal fuels. III. Earlier action by the Sierra Club prevented an inadvertent increase in the allowable limit for sulphur content in fuel oil in Metro Toronto from .5% to 1%.⁴⁶ IV. No initiatives to further address SO₂ or NO_x emissions.

APPENDIX 2

THE CONSEQUENCES OF RECENT ONTARIO GOVERNMENT INITIATIVES FOR ENVIRONMENTAL QUALITY

WATER

WATER

Environmental Problem <small>(As described in the MoEE's 1992 State of the Environment Report, except as noted)</small>	Ontario Government Action (Since June 1995)
<p>1. Problems of nutrient enrichment, turbidity and bacterial contamination in southern Ontario</p> <p>⇒ nitrate and phosphorous levels high in farming areas (Nitrates in southwest, Phosphorous in eastern Lake Ontario, and Southeast between Ottawa and St. Lawrence Rivers)⁴⁷</p> <ul style="list-style-type: none"> • nitrate levels increasing due to fertilizers and other agricultural sources⁴⁸ • nitrate levels, largely from agricultural fertilizers - continue to increase in great lakes waters⁴⁹ <p>⇒ exceedences of faecal coliform density guidelines in many parts of southern Ontario, especially downstream from farming areas⁵⁰</p> <ul style="list-style-type: none"> • also high counts due to stormwater overflows from urban areas⁵¹ • also high counts in cottage country due to intensive cottage development (i.e. septic systems)⁵² <ul style="list-style-type: none"> * results in closures of many swimming areas each year⁵³ 	<p>I. Proposal for expansion of protection of agricultural activities from requirements of environmental legislation through the <i>Farm Practices Protection Act</i>.⁵⁴</p> <p>II. Restriction of Conservation Authority mandates to flood control through Bill 26, and withdrawal of provincial funding for Conservation Authorities.⁵⁵</p> <p>III. Withdrawal of provincial funding for maintenance and operation of sewer and water infrastructure.⁵⁶</p> <p>IV. Devolution of Responsibility for operation of MoEE STP's.⁵⁷ Many are in need of capital maintenance.</p> <p>V. Devolution of regulation of septic systems to municipalities, and Ministry of Municipal Affairs.⁵⁸</p> <p>VI. De-regulation of activities likely to disturb shorelines through implementation of Bill 26 amendments to <i>Lakes and Rivers Improvements Act</i>.⁵⁹</p> <p>VII. Reduction in Water monitoring stations from 700 in 1991 to 200 in 1996⁶⁰</p> <p>VIII. Proposal to repeal the Marinas Regulation (Regulation 351) and replace it with a voluntary code of practice. Regulation 351 requires marinas to have pump-out facilities to dispose of sewage from pleasure boats.⁶¹</p>

WATER

<p>2. Despite general improvements in levels of persistent toxics, excessive levels of some contaminants are still found in a number of areas.</p> <ul style="list-style-type: none"> ⇒ PCBs in fish highest in Etobicoke Creek⁶² ⇒ PCB fish advisories also in Clear Lake near Renfrew and Otonabee River and Rice Lake⁶³ ⇒ consumption advisories remain in place for larger sizes of some sport fish across central and northern Ontario, especially for mercury⁶⁴ particularly in Georgian Bay, Lake Erie, and St. Lawrence River. ⇒ exceedences of guidelines reported in peninsular Harbour ad Jackfish Bay in Lake Superior, Southern part of lake Huron, and Western Lake Ontario.⁶⁵ 	<ul style="list-style-type: none"> I. Collapse of provincial participation in <i>Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem</i> (1994).⁶⁶ II. Reduction of funding for Remedial Action Plans.⁶⁷ III. Proposals to remove requirement for planning for zero discharge of AOX from MISA pulp and paper sector regulations.⁶⁸ IV. Proposals to weaken monitoring reporting requirements under MISA regulations.⁶⁹ V. Proposals to weaken MISA requirements reiterated by Red Tape Commission.⁷⁰ VI. Reduction in Water monitoring stations from 700 in 1991 to 200 in 1996.⁷¹
<p>3. Need for more action on industrial discharges.⁷²</p> <ul style="list-style-type: none"> ⇒ 4,465 tonnes of NPRI substances released to Ontario waters from industrial sources in 1994. Leading substances are Methanol, Ammonia, and Sulphuric Acid.⁷³ 	<ul style="list-style-type: none"> I. Proposals to remove requirement for planning for zero discharge of AOX from MISA pulp and paper sector regulations.⁷⁴ II. Proposals to weaken monitoring reporting requirements under MISA regulations.⁷⁵ III. Proposals to weaken MISA requirements reiterated by Red Tape Commission.⁷⁶

WATER

<p>4. Evidence of contamination of well water from agricultural contaminants (nitrate nitrogen, pesticides, and bacteria), but no systemic monitoring of groundwater quality.⁷⁷</p>	<p>I. Proposal for expansion of protection for agricultural activities from requirements of EPA, OWRA, <i>Planning Act</i>, <i>Public Health Act</i> through the <i>Farm Practices Protection Act</i>.⁷⁸</p> <p>II. MoEE Groundwater and Hydrogeology staff cut 53%.⁷⁹</p>
<p>5. Groundwater contamination due to mine exploration boreholes.⁸⁰</p>	<p>I. De-regulation of mineral exploration activities under the <i>Public Lands Act</i>.⁸¹</p>
<p>6. Groundwater contamination due to abandoned oil wells.⁸²</p>	<p>I. De-regulation of petroleum resource activities through amendments to the <i>Petroleum Resources Act</i>.⁸³</p>
<p>7. In north quality good, except for local effects of pulp and paper mills, mining and forestry.⁸⁴</p>	<p>I. Proposals to remove requirement for planning for zero discharge of AOX from MISA pulp and paper sector regulations.⁸⁵</p> <p>II. Proposals to weaken monitoring reporting requirements under MISA regulations.⁸⁶</p> <p>III. Proposals to weaken MISA requirements reiterated by Red Tape Commission.⁸⁷</p> <p>IV. Weakening of Mine Closure requirements and Financial Assurance Requirements through Bill 26 amendments to <i>Mining Act</i>. Greater potential for contamination from mining operations while reducing availability of cleanup funds.⁸⁸</p>

APPENDIX 3

THE CONSEQUENCES OF RECENT ONTARIO GOVERNMENT INITIATIVES FOR ENVIRONMENTAL QUALITY

WASTE

WASTE

Environmental Problem <small>(As described in the MoEE's 1992 State of the Environment Report, except as noted)</small>	Ontario Government Action (Since June 1995)								
<p>1. Municipal Solid waste generation by industrial, commercial and institutional (IC&I) generators down 30% against 1987 (5.1 million tonnes (1987) vs. 3.554 million tonnes (1992)).⁸⁹</p>	<p>I. Proposals to repeal 3Rs Regulations (Ontario Regulations 102 & 104) for IC&I waste generators.⁹⁰</p>								
<p>2. Recycling now diverts over 400,000 tones of waste per year.</p> <p>⇒ Households with access to recycling programs:⁹¹</p> <table style="margin-left: 40px;"> <tr> <td>1985:</td> <td>0</td> </tr> <tr> <td>1992:</td> <td>3.2 million</td> </tr> </table> <p>⇒ Amounts of waste diverted through the Blue Box:⁹²</p> <table style="margin-left: 40px;"> <tr> <td>1987:</td> <td>29,000 tonnes</td> </tr> <tr> <td>1992:</td> <td>431,000 tonnes</td> </tr> </table>	1985:	0	1992:	3.2 million	1987:	29,000 tonnes	1992:	431,000 tonnes	<p>I. Elimination of provincial funding to support municipal recycling programs.⁹³</p> <p>II. Proposals to repeal refillable container regulations (340 and 357) in <u>Responsive Environmental Protection</u> and Red Tape Commission Report. Regulations are key enforcement mechanisms for industry funding of the Blue Box program.⁹⁴</p>
1985:	0								
1992:	3.2 million								
1987:	29,000 tonnes								
1992:	431,000 tonnes								
<p>3. Concern over emissions from incinerators of CO, CO₂, SO_x/NO_x, HCl, heavy metals, dioxins, furans, benzene and other dangerous organic compounds.⁹⁵</p>	<p>I. Removal of ban on new solid waste incinerators.⁹⁶</p>								
<p>4. 20,000 tonnes of Household Hazardous Waste generated each year.⁹⁷</p> <p>⇒ Note: this is a very low estimate. OWMC estimated (1988) 86,000 tonnes of special wastes generated by non-industrial sector in Ontario.⁹⁸</p> <p>⇒ Amount of HHW collected by municipalities HHW programs:⁹⁹</p> <table style="margin-left: 40px;"> <tr> <td>1985:</td> <td>0</td> </tr> <tr> <td>1992:</td> <td>1,600 tonnes</td> </tr> </table>	1985:	0	1992:	1,600 tonnes	<p>I. Elimination of provincial funding for municipal HHW programs (provided between 22% and 49% of the costs of most municipal programs).¹⁰⁰</p>				
1985:	0								
1992:	1,600 tonnes								

WASTE

<p>5. Approximately 2 million tonnes of hazardous and liquid industrial wastes generated each year (1992 estimate).¹⁰¹</p> <p>⇒ Approximately 800,000 tonnes treated and disposed of on-site¹⁰² through landfilling, incineration, and releases to municipal sewage systems.</p> <p>⇒ More than 1.4 million tonnes of hazardous and liquid industrial wastes shipped off-site for treatment and disposal.¹⁰³ In 1995, it included shipments to sewage treatment plants (482,000 tonnes), export (181,000 tonnes), landfill (107,000 tonnes), and incineration (54,000 tonnes).¹⁰⁴</p> <p>⇒ Off-site disposal included 27,393 tonnes of NPRI substances in 1994. Leading substances include <i>bis</i>(2-ethylhexyl) phthalate, Zinc, Manganese, Sulphuric Acid, Toluene, and Lead.¹⁰⁵</p>	<p>I. Proposals to weaken regulatory controls on-site storage of hazardous wastes, and burning of hazardous and liquid industrial wastes on-site as fuel.¹⁰⁶</p> <p>II. Proposals to weaken regulatory controls on the handling and transport of hazardous and liquid industrial wastes off-site.¹⁰⁷</p> <p>III. Proposals to remove liquid industrial waste from the definition of subject waste under Regulation 347. This may remove the requirement to report the transfer of landfill leachate to sewage treatment plants.¹⁰⁸</p>
<p>6. 113,000 tonnes of PCB wastes in storage at 1,751 in Ontario.¹⁰⁹</p> <p>As of November 1996 it was reported:</p> <p>⇒ 42% of high level PCBs in service decommissioned as of December 31, 1995 (of baseline total of 10,600 tonnes);</p> <p>⇒ 7% of high level PCB's in storage (baseline total 18,600 tonnes) destroyed; and</p> <p>⇒ >15% of low-level PCB's in storage (baseline total 115,000 tonnes) destroyed.¹¹⁰</p>	<p>IV. Proposals to alter the definition of PCB wastes to remove some types.¹¹¹</p> <p>V. Proposals for "permit by rule" approvals for PCB transfer and handling sites.¹¹²</p>

WASTE

<p>7. 112,755 tonnes of NPRI (National Pollutant Release Inventory) substances shipped off site for "recycling" in 1994¹¹³</p> <p>⇒ Note: MoEE estimate for 1992 is only 78,000 tonnes).¹¹⁴ Leading NPRI substances are Manganese, Di-<i>n</i>-octyl phthalate, Lead and Copper.¹¹⁵</p>	<p>I. Proposals to de-regulate the recycling of hazardous and liquid industrial wastes.¹¹⁶</p>
<p>8. 2,334 closed landfills in the province. Some may contain hazardous wastes and require remedial action on ongoing monitoring.¹¹⁷</p>	<p>I. Capacity to conduct monitoring and carry out remedial action limited by budgetary reductions.¹¹⁸</p>
<p>9. 14,556 tonnes of biomedical waste generated in Ontario each year.¹¹⁹</p> <p>⇒ Concern over 40% disposed of in Ontario hospital incinerators which lack modern air pollution control equipment.¹²⁰</p>	<p>I. Proposal to redefine biomedical waste to exclude hospital wastes which do not require special handling.¹²¹</p> <p>II. No initiatives to deal with hospital incinerator issue.</p>
<p>10. Number of spills of hazardous materials reported to MoEE "roughly static" (5,000/yr) over past five years (1990-1995).¹²²</p>	<p>I. Proposals to reduce spill reporting requirements.¹²³</p>
<p>11. 40,000 tonnes of CFC's will require disposal as a result of phase-out.¹²⁴</p>	<p>I. No initiatives to deal with disposal requirements for CFC's.¹²⁵</p>

ENDNOTES

1. 1992 Status Report on Ontario's Air, Water and Waste, Ontario Ministry of Environment and Energy, pp.7 and 16.
2. MTO Press Release January 15, 1997.
3. Ibid.
4. See the *Land Use Planning and Protection Act, 1996* (Bill 20). For a detailed discussion of the impact of Bill 20 see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).
5. Ministry of Environment and Energy, Responsive Environmental Protection: A Consultation paper. For a detailed discussion on Regulation 353 see Responding to the Rollbacks: Comments on Responsive Environmental Protection (Toronto: Canadian Environmental Law Association, October 15, 1996) pp.11-14.
6. Caroline Mallan, "Ontario Cool to Speedy Smog Tests", The Toronto Star, March 5, 1997.
7. MoEE, Towards a Smog Plan for Ontario: A Discussion Paper, June, 1996.
8. 1992 Status Report on Ontario's Air, Water and Waste, pp.10-11.
9. MTO Press Release January 15, 1997.
10. Ibid.
11. See the *Land Use Planning and Protection Act, 1996* (Bill 20). For a detailed discussion of the impact of Bill 20 see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).
12. Ministry of Environment and Energy, Responsive Environmental Protection: A Consultation paper. For a detailed discussion on Regulation 353 see Responding to the Rollbacks: Comments on Responsive Environmental Protection (Toronto: Canadian Environmental Law Association, October 15, 1996) pp.11-14.
13. Ibid., p.5.
14. Ibid., p.9.
15. Ibid., p.12.
16. OPSEU, Nothing Left to Cut, January 9, 1997, Fig. 4a.
17. Ibid., Fig. 9.
18. 1992 Status Report on Ontario's Air, Water and Waste, pp.9-10.
19. Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection pp.6-8.
20. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.13.

21. MoEE, Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, pp.4-6.
22. Environment Canada, NPRI 1994 Summary Report, Table 38.
23. OPSEU, Nothing Left to Cut, January 9, 1996, Fig.9.
24. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.20-21.
25. Ibid., p.21: see also OPSEU, Nothing Left to Cut, January 9, 1996, p.3.
26. MoEE, Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, p.13.
27. MoEE, 1992 Status Report on Ontario Air, Water and Waste, p.19.
28. Ibid., p.24.
29. MoEE, Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, p.9-11.
30. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.21.
31. Natural Resources Canada, Canada's Energy Outlook 1992 - 2020/Update 1994.
32. Ibid.
33. MoEE, Meeting the Challenge of Climate Change: Update on Initiatives to Reduce Greenhouse Gas Emissions (Toronto: MoEE, December 1996).
34. MTO Press Release January 15, 1997.
35. Ibid.
36. See the Land Use Planning and Protection Act, 1996 (Bill 20). For a detailed discussion of the impact of Bill 20 see Submission of the Canadian Environmental Law Association to the Standing Committee on Resources Development Reviewing Bill 20 (Toronto: Canadian Environmental Law Association, February 1996).
37. See M.Winfield and G. Jenish, Ontario's Environment and the Common Sense Revolution": A First Year Report (Toronto: Canadian Institute for Environmental Law and Policy) p.23.
38. Ibid., p.23.
39. A CO₂ Strategy for Ontario: A Discussion Paper (Toronto: The Ontario CO₂ Collaborative, September 1996).
40. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.37.
41. Ibid., p.40.
42. Ibid., p.31.
43. Ibid., p.38.

44. See M. Winfield, Comments on Responsive Environmental Protection: A Consultation Paper (Toronto: Canadian Institute for Environmental Law and Policy, October 1996).
45. MoEE Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, pp.2-4.
46. Sierra Club of Eastern Canada press release, "Environment Ministry Deregulation Scheme Would O.K. Doubling of Acid Rain Emissions in Toronto", October 9, 1996.
47. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.44.
48. Ibid., p.51.
49. Ibid., p.57.
50. Ibid., p.45.
51. Ibid.
52. Ibid., p.51.
53. Ibid., p.45.
54. EBR Registry Notice Number AC7E001.PF Re: *Farm Practices Protection Act*. See also Ontario Ministry of Agriculture, Food and Rural Affairs, The Farm Practices Protection Act: Consultation Paper on the Role of the Farm Practices Protection Board (February 1996).
55. See Winfield and Jenish, Ontario's Environment and the Common Sense Revolution: A First Year Report, p.13.
56. MoEE Press Release January 15, 1997, also see Winfield and Jenish, Ontario's Environment and the Common Sense Revolution: A First Year Report, p.28.
57. *The Water and Sewage Services Improvement Act, 1997*, introduced January 15, 1997.
58. Ibid.
59. See also Winfield and Jenish, Ontario's Environment and the Common Sense Revolution: A First Year Report, pp.28-29.
60. OPSEU, Nothing Left to Cut, January 9, 1997, p.1.
61. MoEE Responsive Environmental Protection: A Consultation paper. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, pp.52-53.
62. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.37.
63. Ibid., p.48.
64. Ibid., p.48.
65. Ibid., p.40.
66. Various personal communications, MoEE staff.

67. M.Mittlestaedt, "Ontario cuts pollution funds," The Globe and Mail, February 10, 1997. Other funding reductions affecting COA and GLWQA activities reported in Winfield and Jenish, The Common Sense Revolution and Ontario's Environment.
68. MoEE, Responsive Environmental Protection: A Consultation Paper, pg.49. See also Responding to the Rollbacks: Comments on Responsive Environmental Protection, pp.54-58.
69. Ibid., pp.54-60.
70. Red Tape Review Commission, Cutting the Red Tape Barriers to Jobs and Better Government, January 1997, pp.74-75.
71. OPSEU, Nothing Left to Cut, January 9, 1997, p.1.
72. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.67.
73. Environment Canada, NPRI 1994 Summary Report, Table 38.
74. MoEE, Responsive Environmental Protection: A Consultation Paper, p.49.
75. Ibid.
76. Red Tape Review Commission, Cutting the Red Tape Barriers to Jobs and Better Government, pp.74-75.
77. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.73.
78. EBR Registry Number AC7E0001.P, *Farm Practices Protection Act*.
79. OPSEU, Nothing Left to Cut, January 9, 1992, Fig. 9.
80. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.72.
81. MNR Press Release, November 13, 1996.
82. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.72.
83. See Bill 52 amendments to the *Petroleum Resources Act*. See also Winfield and Jenish, Ontario's Environment and the Common Sense Revolution: A First Year Report, p.43.
84. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.42.
85. MoEE, Responsive Environmental Protection: A Consultation Paper, p.49.
86. Ibid.
87. Red Tape Review Commission, Cutting the Red Tape Barriers to Jobs and Better Government, pp.74-75.
88. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.83.
89. Ibid., p.83.
90. See Red Tape Review Commission, Barriers to Jobs and Better Government, pg.69.

- ⁹¹. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.82.
- ⁹². Ibid., p.84.
- ⁹³. See Winfield and Jenish, Ontario's Environment and the Common Sense Revolution: A First Year Report, p.33.
- ⁹⁴. M.Winfield et.al., Who Pays for Blue? Financing Residential Waste Diversion in Ontario, (Toronto: Canadian Institute for Environmental Law and Policy, October 1993).
- ⁹⁵. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.80.
- ⁹⁶. Ministry of Environment and Energy, Press Release, January 2, 1996.
- ⁹⁷. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.91.
- ⁹⁸. Canviro Consultants Ltd., Report on Special Waste Generation by the Non-Industrial Sector in Ontario (Toronto: Ontario Waste Management Corporation, 1988).
- ⁹⁹. MoEE, Status Report on Ontario's Air, Water and Waste, p.91.
- ¹⁰⁰. Winfield and Jenish Ontario's Environment and the Common Sense Revolution: A First Year Report, p.33.
- ¹⁰¹. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.86.
- ¹⁰². Ibid., p.87.
- ¹⁰³. MoEE, Distribution of Hazardous and Liquid Industrial Waste in Ontario, 1995, p.3.
- ¹⁰⁴. Ibid., p.3.
- ¹⁰⁵. Environment Canada, NPRI 1994 Summary Report, Table 39.
- ¹⁰⁶. MoEE, Responsive Environmental Protection: Technical Annex, p. 80-81. See also Winfield and Jenish, Comments on Responsive Environmental Protection: A Consultation Paper, p.34, and Responding to the Rollbacks: Comments on Responsive Environmental Protection, pp.48-51.
- ¹⁰⁷. MoEE, Responsive Environmental Protection: Technical Annex, p.87. Winfield and Jenish, Comments on Responsive Environmental Protection: A Consultation Paper, pp.34-40.
- ¹⁰⁸. MoEE, Responsive Environmental Protection: Technical Annex, p.81.
- ¹⁰⁹. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.90.
- ¹¹⁰. MoEE and Environment Canada The Canada-Ontario Agreement Respecting The Great Lakes Basin Ecosystem, 1994: Stream 2 Progress Report, November 1996, p.23.
- ¹¹¹. MoEE, Responsive Environmental Protection: Technical Annex, p.83.
- ¹¹². Ibid.
- ¹¹³. Environment Canada, NPRI Summary Report 1994, Table 40.

- ¹¹⁴. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.92. The differences in figures may be partially due to differences in reporting requirements in the NPRI and the MoEE Waste Manifest System.
- ¹¹⁵ Environment Canada, NPRI Summary Report 1994, Table 40.
- ¹¹⁶. MoEE, Responsive Environmental Protection: Technical Annex, p.76.
- ¹¹⁷. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.85.
- ¹¹⁸. OPSEU, Nothing Left to Cut, January 9, 1997.
- ¹¹⁹. Ortech, Evaluation of Quantities of Biomedical Waste Generated in Ontario (Toronto: MoEE, 1992).
- ¹²⁰. MoEE, Status Report on Ontario's Air, Water and Waste, p.89. This concern was also raised by Ministry staff in background documents for the Ministry's Regulatory Review.
- ¹²¹. MoEE, Responsive Environmental Protection: Technical Annex, pp.83-84.
- ¹²². Canada Ontario Agreement Respecting the Great Lakes Basin Ecosystem 1994: Stream 2 Progress Report (Toronto: Environment Canada, MoEE, November 1996), p.30.
- ¹²³. MoEE, Responsive Environmental Protection: Technical Annex, pp.65-66.
- ¹²⁴. MoEE, 1992 Status Report on Ontario's Air, Water and Waste, p.91.
- ¹²⁵. Ibid., p.91.

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