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CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY

L'INSTITUT CANADIEN DU DROIT ET DE LA POLITIQUE DE L'ENVIRONNEMENT

Proceedings of the

**ONTARIO ENVIRONMENTAL STRATEGY
WORKSHOP**

Thursday February 20 1997

at

**Friends' House, 60 Lowther Avenue,
Toronto, Ontario**

CIELAP Shelf:
Canadian Institute for Environmental Law and
Policy
Proceedings of the Ontario Environmental
Strategy Workshop

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and the participants who made it their priority to attend.*

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Proceedings of the Ontario Environmental Strategy Workshop

Context for the Event

The legislative initiatives arising from the current Ontario Government, which commenced on June 8, 1995, have come to represent a critical departure from conventional environmental protection and natural resources management in the province of Ontario. Over the past 18 months the Provincial Government in Ontario has undertaken a dismantling, reworking and streamlining of laws, policies, regulations and agencies, which have played central roles in the protection of Ontario's environment. Still more changes are proposed. The government's actions are considered to be without precedent in the history of the province.

The Progressive Conservative Party of Ontario's June 1995 campaign platform, entitled *The Common Sense Revolution*TM, made no mention of the environment or natural resources. There was only an indirect reference to the "appointment of an arms-length commission on red tape to review all current regulations affecting business. Any regulation which can't be justified will be eliminated within 12 months of a Harris government taking office."¹ During the campaign the Progressive Conservative Party indicated its intention to repeal a number of the previous government's environmental initiatives, including the ban on new municipal solid waste incineration facilities, and the reforms to land-use planning which resulted from the work of the Commission on Planning and Development Reform in Ontario.² At the same time, the Party committed itself to "work with organizations and communities to improve our provincial parks system and work toward the World Wildlife Fund's Endangered Spaces Campaign goal established for 2000."³

Since its election, the Ontario Government's efforts to amend or repeal environmental laws, regulations and policies have affected virtually every aspect of environmental protection and natural resources management and safeguards in the province. So too have the accompanying budget cuts to the Ministry of Environment and Energy, Ministry of Natural Resources and other provincial agencies. Previous Ontario governments have made reductions to the budgets of the environment and natural resources ministries, most notably during the last government of Premier Davis following the 1981 election, and in the April 1993 budget of the Premier Rae government, but none have done so on a scale approaching that of the present government.

The direction of the new government has presented a significant challenge for the province's environmental community which faces the twin hazards of a reduction in the traditional avenues of consultation and issue resolution and a reduction in available resources due to the severing of government financial support. It is in this light that many environmental organizations in the province have been pondering the direction of their future activities. To facilitate discussion around the means to enhance the effectiveness of the environmental community, the Canadian Institute for Environmental Law and Policy organized the Ontario

Environmental Strategy Workshop on February 20, 1997.

Process Leading up to Workshop

A letter was issued to the executive or chairperson of selected environmental organizations in Ontario inquiring about their interest in participating in a workshop on strategies for dealing with the current state of the environmental affairs in Ontario. Organizations were selected on the basis of whether they conducted work in the province, whether they were likely to be affected by the changes that had occurred and on the basis that there be some regional and local representation. An additional criterion was that groups have some Great Lakes program focus. In total, 24 letters were issued. For those who confirmed their attendance (19 in total), an issue sheet was sent out on which participants could record issues and common themes arising in dealing with provincial government processes and regulatory matters. These were retrieved and summarized in advance and displayed at the workshop (see Appendix A). In addition, most participants received in advance a copy of the CIELAP background paper *Breaking the Contract : The Defeat of the Environmental Components of the "Contract with America" and its Implications for Ontario*.

Structure of the Workshop and the Proceedings

Participants (16 in total, see Table 1 and Appendix B) were asked to offer their views on the following questions. At various points throughout, staff of the workshop attempted to summarize the discussion. The resulting discussions are summarized under these six categories:

- 1) What themes in provincial government actions affect environment and conservation issues?
- 2) What common themes are emerging in the government's actions?
- 3) What should be the objective in attempting to deal with what has been discussed?
- 4) What assets can we bring to carrying out a common objective? What liabilities exist and what challenges do we face?
- 5) Is it worth considering a common strategy to carry out the agreed upon objective?
- 6) What steps could next be taken to ensure that strategic discussions continue?

Table 1: List of participants of the Ontario Environmental Strategy Workshop

| Representative | Organization |
|-----------------------|---|
| Rodrigo Medeiros | Stop Environmental De-regulation in Canada |
| Gord Perks | Toronto Environmental Alliance |
| John Riley | Federation of Ontario Naturalists |
| Ken Ogilvie | Pollution Probe |
| Dale Hildebrand | Canadian Environmental Defense Fund |
| Dick Barr | World Wildlife Fund |
| Brennain Lloyd | Northwatch |
| Stewart Elgie | Sierra Legal Defense Fund |
| John Jackson | Great Lakes United |
| Dave Martin | Earth Appeal |
| Morag Simpson | Greenpeace Canada |
| Bruce Petersen | Environment North |
| Anita Beaton | North Simcoe Environmental Watch |
| Chris Winter | Ontario Centre for Sustainability |
| Michelle Swenarchuk | Canadian Environmental Law Association |
| Andrew McCammon | Conservation Council of Ontario |
| <i>Workshop Staff</i> | |
| John Vincett | Facilitator |
| Anne Mitchell | Canadian Institute for Environmental Law & Policy |
| Mark Winfield | Canadian Institute for Environmental Law & Policy |
| Greg Jenish | Canadian Institute for Environmental Law & Policy |
| Kumarie Khadoo | Canadian Institute for Environmental Law & Policy |
| <i>Invited Guests</i> | |
| Margaret O'Dell | Joyce Foundation |

Part 1: Challenges

What themes in provincial government actions affect environment and conservation issues?

The range of themes identified by various participants encompassed:

- no conservation ethic in Ontario, actions driven by consumption and globalization
- the tools/resources available for citizens to participate in decision-making have been reduced (e.g. consultation, intervenor funding, EBR)
- mechanisms for government accountability have been diminished
- loss of funding for NGO activities (intervenor funding, OEN support, project funding etc.) from government
- fundamental differences between the political structure of Ontario/Canada and the U.S. mean that there are few institutional means of blocking damaging initiatives
- does the public or the government even believe there is an environmental problem?
- environmental problem(s) need to be framed in a more modern, relevant format
- this government seems to have abandoned its role as a broker among stakeholders and have openly sided with business
- NGOs need to think about how to create and express an environmental policy agenda
- CSR is just an economic agenda, government doesn't know how it would address conservation/environment issues
- law and order attitude extends to most criminal matters but not environmental violations
- no commitment to environment/conservation, loss of government capacity to deal with environmental issues, dismantling of accountability mechanisms
- government favouring private interests over public interest, public oversight/control diminished, similar patterns in other sectors
- citizen role in decision-making eliminated, along with independent advisory committees
- government's agenda is very narrow, it understands environmental protection as red tape and obstacles to growth, it doesn't believe environmental problem exists
- public concern for the environment is taking a backseat to other "more immediate" issues (e.g. education, health care)
- an attitude that 'we can fix whatever damage later' prevails
- monitoring one of first things to go - a systematic attempt has been made to unrecord the impact of activities on the environment and to undermine environmental protection
- some of the first processes to be dismantled involved record-keeping, like the EBR
- environmental laws eliminated/weakened
- public shut out of decision-making
- government oversight of private sector activities affecting the environment shut down
- Omnibus Bill 26 incorporated 4 years worth of Thatcherism
- demoralization and marketplace values dominate within the government bureaucracy, although it is not a monolith
- non-market values down-graded (e.g. woodland caribou)
- monitoring and compliance gone as field staff eliminated

Discussion

- decision-making/policy driven by ideology/personal favouritism
- public alienated from notion of positive government role, although there are significant gaps in this based on gender, other factors
- extent of polarization caused by government along lines of gender, class, race etc.
- discussion re: degree to which what the government is doing to environment is collateral damage flowing from other aspects of its agenda vs. deliberate targeting of the environment
 - government at political level has economy at top of mind, but within the government's circle of advisors are individuals with anti-environment/conservation bias (especially PC Party Policy Councils)
 - not so much targeting NGOs as favouring particular industries
- government is to a degree impervious to criticism
 - criticism may be reinforcing circling wagons by government
- focus of discussion on government role. There are limits to what we can get out of government as a lead player
- NGOs need to get control of agenda - re-inventing common sense and the environment
- role of government: 1) regulatory framework to protect public goods; 2) deliver essential public services (health, water, transportation) 3) promoting social values/desirable development - steering society in desirable directions
- NGOs need to avoid putting forward utopian visions, still good people within government who need our support,
 - if PCs say things we can support we need to pick up on it
 - need to find means to push specific things on the ground
 - capture public's imagination in a positive way
- note need to be strategic in approach, target is not just government
- note that business is the primary beneficiary of the government's agenda, there are definite pay-offs to specific sectors from de-regulation (e.g. Mining industry and Bill 26). This is part of a global reality.
- potential allies on economic side
 - CEIA is most likely candidate, but is fractured
- public is the client for our work. Our most powerful tool is public concern for the environment
- note need to link impacts of globalization to other actors/sectors.
 - need to place environmental issues in context of other bigger global trends
- traditional modes are no longer viable - need to reinvent the mode of activism

Part 2: Common Themes

What common themes are emerging in the government's actions?

The workshop participants identified the following themes in the government's actions:

1) No Recognition/Understanding of Environmental/Conservation Issues

The provincial government seems to demonstrate no commitment to or understanding of environmental/conservation issues and doesn't believe that there actually is an environmental problem. Its agenda is driven by need to cut costs, and it sees environmental protection measures as red tape which are barriers to growth. At the political level, there is a great deal of naivete/ignorance about environmental issues, but there is also an explicit anti-environment/conservation bias among some of the government's key advisors (e.g. PC Party Policy Councils on Environment and Natural Resources). The bureaucracy is becoming increasingly politicized, although it is not a monolith in support of the government's direction.

2) Arbitrary Policy/Decision-Making

The government's approach to decision-making is raising serious concerns. The government has abandoned the role of broker between industry and the broader public interest, and has clearly sided with industry. The public and environmental organizations are being excluded from decision-making processes, and decisions are being made on the basis of ideology and personal favouritism, rather than rationality or the promotion of the public interest.

3) The Dismantling of Accountability Mechanisms

Accountability mechanisms have been a major target of the government's actions. Mechanisms for monitoring and recording environmental conditions; and activities which affect the environment have been eliminated, and mechanisms for public access to information, such as the *Freedom of Information Act*, have been weakened.

4) Increasing Reliance on Voluntarism/Self-Regulation to Protect the Environment

The government is relying heavily on voluntarism and industry self-regulation to protect the environment and natural resources. Public resources such as forests and public lands are being effectively privatized. Private economic interests are being put ahead of the public interest. Business interests have been the primary beneficiary of these moves.

Participants also identified a number of underlying factors which have assisted the

government in its attempt to pursue this agenda with the public. These included:

- * the degree to which public concern for the environment is being overshadowed by concern for what people see as things more likely to affect them in the short term, for example employment, education, and health care; and
- * the public is alienated from the notion of a positive role for government in society. Public has been bombarded with messages re: globalization, the ineffectiveness/inefficiency of public sector, and the costs of government regulation. Even parts of the bureaucracy believe that the state serves no useful function, or that its only legitimate function is to serve the interests of business.

Part 3: Objectives

What should be the objectives in attempting deal with what has been discussed?

Ends

- return environmental policy agenda to dealing with real environmental issues, not "excessive" red tape
- protect the environment through addressing governance issues and involving people and communities in the future of their own environment

Means

Overall themes

- need to shift to proactive from reactive approach

Information/Communications

- existence of NGOs a reflection of public concern for the environment, but don't assume foot soldiers understand all linkages, they may need some help
- get information to the public in a simple, understandable form so that they can see impacts upon them
- get public to realize they are losing something through government's actions
- identify human health impacts and make information available; government must act on these problems
- need to link de-regulation with actual environmental problems
- find ways to link the environment and economy
- bring clarity to public discussion through a factual base and discussion of impacts
- make visible the importance of NGO oversight role
- make linkages in analyses, and use this to attract broader public constituencies and make relationships with churches, parents et cetera

Litigation

- Pursue selected litigation more aggressively and make obvious the link to impacts

NGO Relationships

- NGO community needs internal objectives as well
 - strengthen our own organizations and encourage cooperation
- support local communities in their struggles for environmental issues; work old mechanisms, invent new ones; pushing down of environmental issues means more battles will be fought at local level

- network "across" stakeholders to a much greater extent, including progressive industry stakeholders

Criteria for selection of target areas for activities:

- high public concern
- importance
- matters of principle
- links to the bigger picture
- potentially symbolic
- partnership opportunities
- contribute to better governance
- winnable (considerable debate on this one - some argued that being winnable is better than being discountable. Others argue that winnability is not key - don't want to hand government the ability to look good through small concessions, there have been lots of successful losing battles).

Needs to be both:

- winnable as a confidence builder and for the gains that can be made, and
- battles of principle: to try to win back control of the environmental agenda through building public support. The public has to regain its belief in NGOs as serving the public interest.

Part 4: Assets, Liabilities and Challenges

What assets can we bring to carrying out a common objective? What weaknesses exist and what challenges do we face?

Strengths

- continued deep reservoir of public sentiment in support of environmental protection
 - concern for the environment seems largely immune to Neoliberalism
- strong commitment to important work by people within the environmental movement
- opposition parties in legislature are basically sympathetic
 - some of the achievements which are being dismantled are those of the Liberal and NDP governments, some too, are of the previous PC government
- strong capacity to analyze government initiatives, although this is dependent on availability of resources.
- high degree of credibility with media and public when communicating information on environmental problems and environmental implications of government de-regulation, de-funding, and devolution initiatives
- lots of local environmental activism
- some success in building alliances with other sectors (labour, health and some industries) although the political impact of this has been limited to date
- some success in raising profile of environmental issues in press:
 - government felt it needed to strengthen environment portfolio by replacing first minister
 - have compelled Premier to defend his government's record in public on several occasions.
 - have delayed implementation of "regulatory reform" in core MoEE areas (air, water, waste) (Bill 57 and Responsive Environmental Protection)

Weaknesses

- government is unsympathetic to environmental concerns
 - loss of access to government combined with weakening/elimination of key tools (intervenor funding, FOI)
- public support for environmental protection is latent (could be viewed as an opportunity)
 - environment is not a top of mind concern, no time or space for it in light of other more immediate concerns like employment, health care and education.

- environment tending to get lost as legislative opposition responds to myriad of government initiatives
 - environment critics are having to fight very hard to get time in House on environment.
- space available for coverage of public policy issues in media has shrunk in general, and around environment in particular
 - Globe and Mail is only major outlet giving regular coverage to environment; coverage in media in general has been intermittent
 - coverage is otherwise fragmented, ad hoc, no linkages between stories
 - opportunities to get messages into local media have also shrunk as local dailies/weeklies/monthlies have been bought out by larger outlets
- communications/responses by NGO community have been fragmented and ad hoc.
 - no long term strategy in terms of messages, use of obvious opportunities for communicating environmental messages (e.g. Rio +5, Earth Day, Budget Day, Auditor-General's Report Day, ECO Report Day, Release of IJC Reports, NPRI Reports, etc.)
 - mode is fundamentally reactive.
 - the environmental community is less credible when speaking outside of the range of its recognized expertise (e.g. the environmental community issuing prescriptions for areas of the economy, budgetary deficits or tax reform may not be received as readily by media and public)
- although lots of local grassroots activity, the ability to coordinate activity, and share information has been weakened, particularly with diminishment of OEN
 - don't have any means of putting people on MPPs' doorsteps in ridings or getting phone calls and letters to government
- resources (money) in very short supply
 - some key foundations, (e.g. Laidlaw) re-defining mandate
 - provincial government funding (core and project) has disappeared in virtually all cases
 - ability to provide critical, factual analysis may decline because of lack of available environmental monitoring information

Opportunities

- enormous disjuncture between government action and public opinion on environmental protection

Threats

- continued slide into irrelevance, reactiveness, loss of control of agenda, loss of legitimacy of interventions in eyes of the public
- government may move forward in some small specific area, which will deflect attention from its overall track record

Discussion

- The key challenge is to translate the strong, although latent, level of public support for environmental protection into action
- dependence on media as communications vehicle a problem - if no conflict, no interest, but need to keep using media to mobilize people
- differences in perception of organizational constituencies/memberships
 - some see giving membership a task that they can do as important, gives them a stake in the outcome
 - in other cases members see work of NGOs as a service which they buy, and do not expect organization to ask them to do things as individuals
- strategic considerations
 - government appears to have given up on 416 and 705 areas. 905 is power centre and government will act if it hears from backbenchers in 905 region
 - letters and visits to MPPs by individuals can be very effective
 - need to partner with organization with ability to get membership to do something (e.g. CFUW, churches)
 - learn lessons from other struggles, feed information out through networks
 - need to make environment more immediate concern, link layoffs, de-regulation to actual effects, make it real
 - identify some keystone messages that lead individual, issue-based, stories back to the big picture

Part 5: Strategy Development

Is it worth considering a common strategy to carry out the agreed upon objective?

Strategic Framework

Although a common strategy was not developed in the workshop, the participants agreed on the conceptual framework shown in **figure 1**. Two key elements which were identified as being essential to any future strategy were **information flow** and **communication**.

Information Flow

There was strong agreement on the need to strengthen mutually supporting relationship among groups working at the local and provincial levels (see Figure 1). Local groups can provide information about the real world impacts of the government's actions and emerging environmental problems, and mobilize individual members to write letters and visit MPPs.

Organizations working at the provincial level can use information from local experiences to build the case for provincial level changes in law/policy, provide information to local groups regarding the implications of proposed and actual changes in laws, regulations and policies. Organizations working at the provincial level may also have greater capacity to communicate issues to wider audiences.

In the past the Ontario Environment Network (OEN) caucuses have provided a mechanism for this kind of two-way communication and cooperation. There are also successful models in the experience of the Canadian Environmental Network (CEN). However with the diminishment of the capacity of the OEN these mechanisms are significantly weakened. There was agreement that means to deal with this situation need to be identified.

Communications

There was general agreement not to attempt to prioritize work on a limited range of particular issues, as this inevitably leads to some people finding that issues on which they work have been left off the list of priorities. It was felt that individual attachment to issues brought much of the passion to the struggle for environmental protection and this must be maintained. At the same time, the wide variety of issues that the environmental community has felt compelled to defend in the past year, often concurrently, has been taxing.

Although a prioritization of issues seems unattractive, there was support for the notion of strengthening the coordination of organizations' communications strategies regarding the province's activities. There was agreement on the need to develop simple, succinct, clear uncluttered strategic messages which could be conveyed whenever speaking about provincial initiatives. Among other things, this could help to compensate for the degree to which media coverage of environmental issues has become fragmented, and ad hoc.

There could also be further discussion on strategic approaches to regaining the initiative and moving from the current reactive stance to a more pro-active, agenda-setting situation. The

need to stress the existence of real physical environmental problems and threats to human health, to government, the media, and the public was a theme which recurred throughout the discussions.

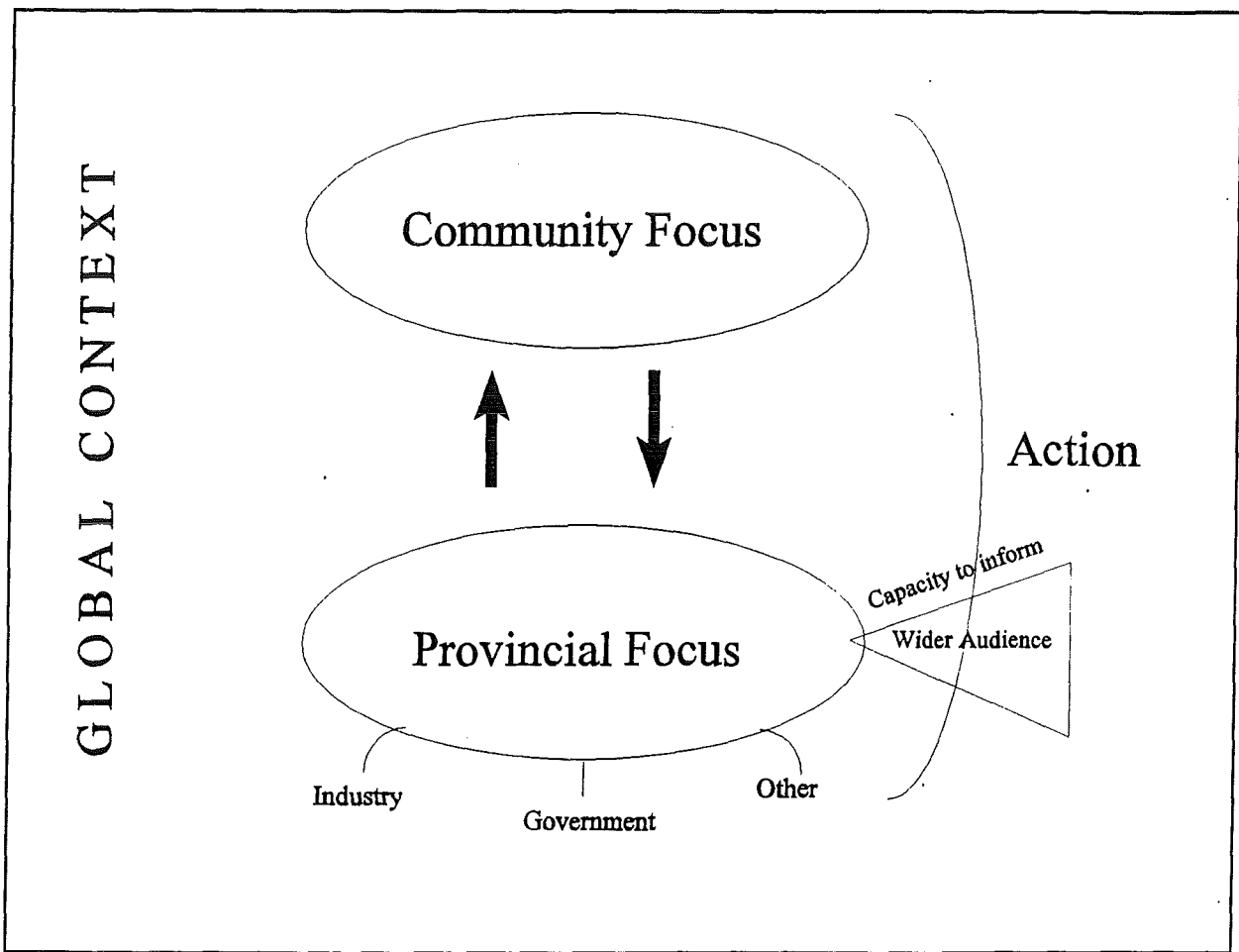


Figure 1: The domain in which environmental change occurs.

Part 6: Next Steps

What steps could next be taken to ensure that strategic discussions continue?

The workshop came to the agreement that this discussion would be worth continuing and that an appropriate forum could be the upcoming Ontario Environment Network Caucus Meeting in Toronto on April 19-20, 1997. The caucuses that will be meeting at this time include energy, forests, land use, waste, air, youth and labour. There may be an opportunity to conduct a session during this weekend.

Toward this goal, Anne Mitchell of the Canadian Institute for Environmental Law and Policy, Brenna Lloyd of Northwatch and Dave Martin of Earth Appeal will discuss with OEN Coordinators the possibility of a session at the OEN meeting to continue this discussion.

Endnotes

1. The Common Sense Revolution (Toronto: Progressive Conservative Party of Ontario, May 1994) pg. 14.
2. The Project for Environmental Priorities, Election '95/Backgrounder - Highlights of PEP Poll Results (Guelph: Ontario Environment Network, May 1995).
3. The Project for Environmental Priorities, Election 95 - Responses to the Questionnaire (NDP, PC's and Liberals), pg.9.

Appendix A :

Common Themes arising in advance from Participating Organizations

Environmental Legislation seen as "red tape" and impediment to economic growth and investment

Budget cutting taking priority over environmental protection

Self-regulation and voluntary compliance to replace legislation

Commercialization / Privatization of public resources

Systematic isolation of public from ministry personnel and existing information by cancellation 1-800 numbers

No reliable directories automated information / voice mail not available to all province and often dead end

Isolation of ministries from roundtabling

Reduced support for centres of excellence (U of Waterloo Groundwater Research, suggested Water Institute, Trent University)

Downloading: \$ Crunch is priority Environment, people's needs go up Politically motivated decisions up

Government clear on what it won't do, is not clear on what it will do - Re: responsibility for Provincial big picture and role of MOEE and MNR

Accessibility down + fragmentation up = accountability down

Proactive role potential down, even reactive role potentially diminished

No commitment to ongoing programs to augment database, to convert data to information, to making information accessible

Insensitive climate for issues of First Nations: gov't to gov't negotiations are out - now the gov't will recognize treaty rights & promote economic development

Insensitive climate for issues of monitoring and compliance: reductions in MNR field staff, leave the industry for its own devices. From serving on two LCCs I see industry push even tough MNR foresters to unsustainable practices.

Insensitive climate for issues of non-market values: Elk are to be reintroduced to benefit consumer tourism. Caribou cannot be hunted in Ontario except by aboriginals. Caribou are an embarrassing indicator of lost ecological integrity.

Changing regulations to allow municipalities top pick and choose which 7 materials they want to collect.

Allowing incineration will provide municipalities with and alternative for plastics and low grade paper.

Generally, within the government domain, we do not see a whole lot of support for conservation.

While the environmental advocacy community may win the odd battle, we're losing a war where population growth and

conspicuous consumption may triumph over the protection of natural systems

Expenditure cuts which impact environmental concerns

Lack of understanding of conservation / environmental issues and agenda

Common Conservative theme is MONEY:

- fiscal restraint
 - budget cuts
 - downloading costs
 - selling Crown Corporations
 - cut red tape
- all for a tax cut and no deficit

Their real theme is "economics will solve everything"

Common themes for us are "quality" and "health"

What quality of environment do we want?
A healthy Ontario needs a healthy environment, society and economy.

Funding cuts

No action

Systematic government deterioration of responsibility

Access to information

Privatization of public services

Reduce provincial role

Reduced citizen role

Put environment in hands of private sector

The government is reducing the number of tools available to citizens for achieving progress on environmental issues

Lack of meaningful consultation in processes

Stealth and speed used to change legislation

Poor examples used to justify de-regulation

Lack of clarity about the seriousness proceeding with some initiatives

Loss of commitment on wider issues (ie energy and resource use, biodiversity) thinks of environment in narrow terms (ie. pollution permits)

Loss of capacity

- law enforcement, monitoring, science, policy, local initiatives

Dismantling frameworks for environmental protection and natural resource management

Loss of Accountability for Decision - Making

(Bill 26, Bill 57, EBR undermined)

Favouring of the private interest over the public interest

Removal of public control / access to review and approvals processes

Declining standards of environmental protection

Diminishment of public control and deterioration of public resources

Deny and reduce resources of environmental groups
(silence the critics)

Appendix B: List of Participants with Addresses and Phone Numbers

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