

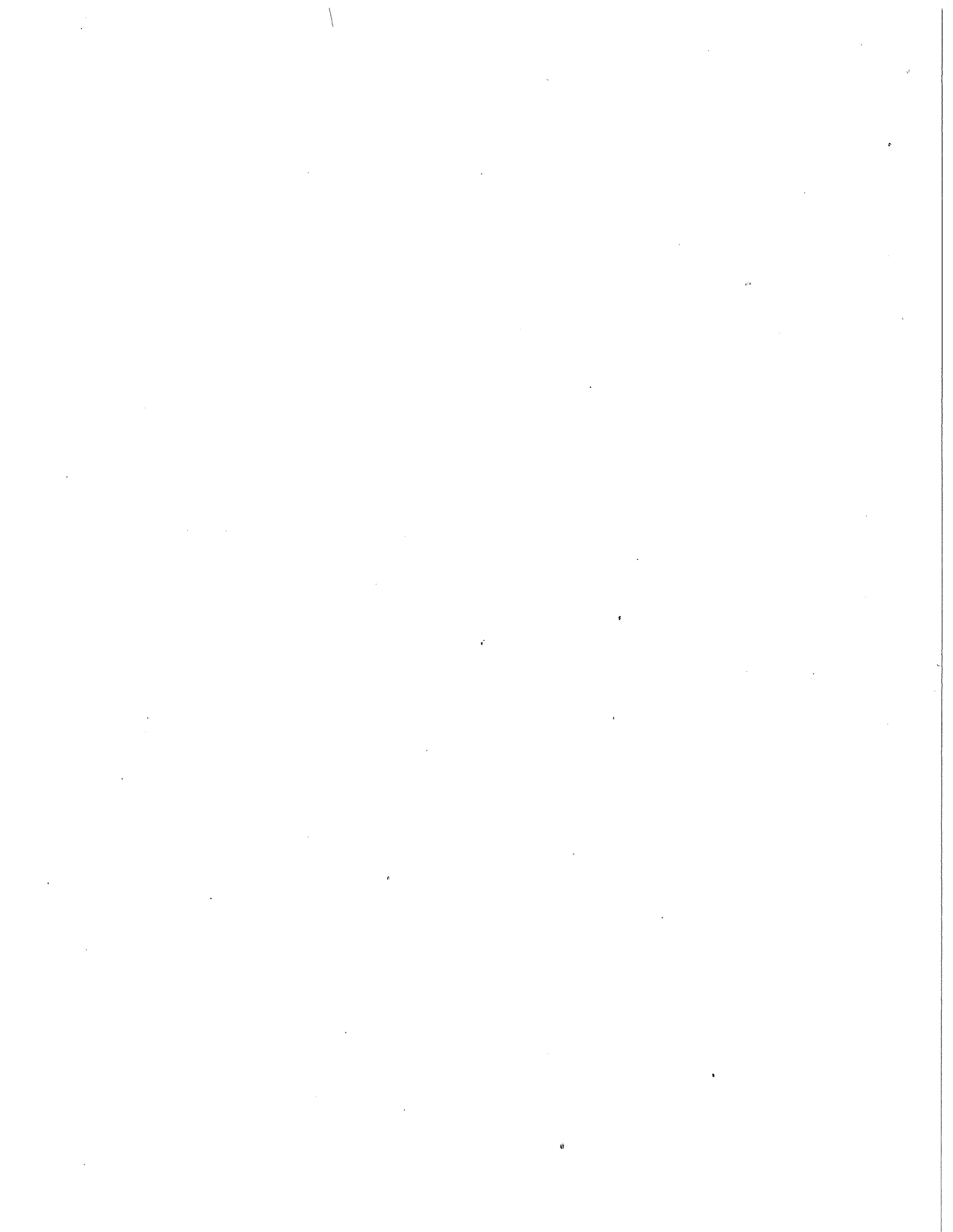
**Patterns of Environmental Politics:  
The Experiences of Alberta and Ontario 1971-1992**

**Mark Winfield, Ph.D.**

**Canadian Institute for Environmental Law and Policy**

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**I. Introduction**

This paper summarizes the conclusions of a comparative study of the environmental policy experiences of two Canadian provinces, Alberta and Ontario, in the period 1971-1992.<sup>1</sup> Ontario and Alberta were the first Canadian provinces to establish cabinet-level departments of the environment. The study focussed on the primary policing and planning regulation<sup>2</sup> functions of these two agencies. These included air and water pollution control, the regulation of hazardous waste management, and environmental impact assessment.

The examination led to the conclusion that there is a pattern of environmental politics and policy-making common to both provinces, although it emerges a divergent pace. This divergence is a function of well-known societal differences between the two provinces. Furthermore, in the Ontario and Alberta experiences, the policy-making capacity of the state can be seen to be severely challenged by the cross-sectoral, or "horizontal," nature of environmental policy issues. A number of observations regarding the effects of federal-provincial relations and of American influences on environmental policy-making at the provincial level in Canada are also possible.

## II. The Pattern of Environmental Politics

### i) Origins and the Emergence of Clientele Pluralism

Ontario and Alberta were the first Canadian provinces to integrate the environmental protection functions of previously existing agencies into free standing departments of government. As was the case throughout North America, there had been a growth in the level of public concern regarding the environment in Ontario and Alberta in the late 1960's and early 1970's. This had been accompanied by the emergence of environmental interest groups in both provinces. There were also indications that the Canadian federal government, like its American counterpart, intended to become active in the environmental field. A Canadian federal Department of the Environment was created in November 1970.

In Ontario, the leadership of the Ontario Progressive Conservative Party and government was transferred from John Robarts to William Davis in March 1971. Mr. Davis' subsequent need to prepare for an election in the fall, especially as the provincial New Democratic Party, under its new leader, Stephen Lewis,<sup>3</sup> began to show an increasing interest in environmental issues, provided the immediate context for renaming the Department of Energy and Resources Management the Department of the Environment and for the passage of the Environmental Protection Act in July 1971. These initiatives occurred in an organizational context in which the recommendations of the Committee on Government Productivity (COGP), established by Mr. Robarts in 1969, were being implemented.<sup>4</sup> The consequent Government Reorganization Act of 1972 among its many

measures, consolidated the Department of the Environment with the Ontario Water Resources Commission<sup>5</sup> to create the Ministry of the Environment.

In Alberta, the intense electoral competition which emerged between the Social Credit government of Premier Harry Strom and a Progressive Conservative opposition, led by Peter Lougheed, prior to the province's 1971 election also focussed to a considerable degree on environmental issues. The first visible result of this competition was the creation of an Environment Conservation Authority in 1970.<sup>6</sup> This was followed by the passage of the Department of the Environment, Clean Air, Clean Water and Energy Resources Conservation Acts in 1971. These statutes were implemented by the Progressive Conservative government which came to power following the August 1971 election.

Both the Ontario Ministry of the Environment and the Alberta Department of the Environment were granted vertical, policing regulation functions regarding the control of pollution. In Alberta this mandate was contained in the Clean Air and Clean Water Acts. The Ontario Ministry received its responsibilities through the Environmental Protection Act of 1971 and Ontario Water Resources Act of 1972.<sup>7</sup>

The Ontario and Alberta governments also made efforts to address the horizontal potential of environmental issues. Both governments recognized that environmental protection measures would have to go beyond the control of pollution in order to be successful. Questions regarding land use and natural resources

development were of particular concern in this sense. In the context of the departmentalized cabinet structure employed by the Social Credit government, the Alberta Department of the Environment was granted, through the Department of the Environment Act, an explicit, horizontal, planning role in the natural resources field.<sup>8</sup> In Ontario, by contrast, the cross-sectoral aspects of environmental policy were to be addressed through the cabinet committee system created by the COGP reforms. The Cabinet Committee on Resources Development, under the leadership of a Provincial Secretary for Resources Development, was to be the principal forum for the resolution of issues of this nature.

In approaching their policing regulation functions regarding pollution control both the Ontario and Alberta agencies quickly established close working relationships with the waste generating industries they were to regulate. This pattern of "clientele pluralist"<sup>9</sup> policy networks was evident in the ways in which the agencies addressed both standard setting and environmental law enforcement. Participation in standard setting processes was limited to representatives of the Ministry or Department and of the affected industries. Negotiations between officials and industry representatives were central in the determination of global emission and effluent standards, and specific abatement requirements for individual plants.<sup>10</sup>

As for environmental law enforcement, both agencies adopted negotiation as their primary means of obtaining compliance with the terms and conditions of environmental approvals. Prosecution was

perceived as a measure of last resort. It was seen by officials as likely to be viewed as a hostile action, which would discourage subsequent cooperation on the part of the industry concerned and harden adversarial attitudes.<sup>11</sup> In the context of this "accommodative"<sup>12</sup> approach, the undertaking of prosecutions by either the Ontario or Alberta agency was very rare during the early phase of their existence.

A similar pattern of relationships would characterize the Alberta Department of the Environment's approach to its horizontal mandate, established by the Department of the Environment Act. This mandate was permitted to stand intact through the transition from a Social Credit to Progressive Conservative government and apparently was reinforced by the environmental impact assessment provisions of the Land Surface Conservation and Reclamation Act of 1973. However, the Department quickly adopted a deferential approach to its horizontal role.

Faced with strong resistance from other agencies of the Alberta government, the Department adhered to a policy of not requiring formal environmental impact assessments for projects undertaken by other Alberta government agencies or municipalities. The scope of the environmental impact assessment process, as applied to private sector projects, was limited to an information gathering exercise related to the development of the terms and conditions of permits and licenses to be issued under the Clean Air, Clean Water and Water Resources Acts. Questions regarding the need for, or alternatives to, proposed undertakings were rarely

raised. The procedure also was characterized by extensive negotiations between the Department and proponents.<sup>13</sup>

In the energy field, the Energy Resources Conservation Board, established through the Energy Resources Conservation Act of 1971, quickly emerged as the government's principal forum for the resolution of conflicts between the goals of environmental protection and economic development through energy resources exploitation and processing. This was a product of the Alberta government's efforts to establish a "one-window" approval process for energy resources projects through the Board.<sup>14</sup>

ii) Contested Clientele Pluralism, Interest Displacement, and Governmental Response

Ontario

In Ontario, the increasingly well-established community of environmental groups, such as the Pollution Probe Foundation and the Canadian Environmental Law Association, sought to challenge the clientele relationship between the Ministry of the Environment and waste generating industries from the outset. Environmental advocacy organizations initiated private prosecutions under the province's environmental protection statutes and thereby underlined the serious thrust of their intentions.<sup>15</sup> They also mounted a strenuous lobbying effort regarding the development of the Environmental Assessment Act following the release of the 1973 Green Paper on Environmental Assessment.<sup>16</sup>

The concept of an environmental assessment process was introduced by the government partially as a means of compensating



for the apparent inability of the Provincial Secretaries' portfolios, created in 1972, to provide for horizontal policy coordination in their policy fields.<sup>17</sup> The process proposed in the Green Paper was envisioned as an information gathering exercise, intended to assist the Cabinet Committee on Resources Development in its collective deliberations. However, environmental groups argued very strongly for the establishment of a decision-making process whose results would be binding in law.<sup>18</sup> Drawing on the experience of environmental groups in the United States with the National Environmental Policy Act of 1968, it was hoped that this would provide a legal means of challenging not only the closed relationship between the Ministry of the Environment and its industrial clientele, but also the relationships between other agencies in the resources development field and their clienteles as well. The Environmental Assessment Act was enacted in July, 1975, in the context of the government's preparations for an election in the fall of that year. In addition to establishing a legally binding decision-making process, the Act granted the Environment Minister a substantial cross-agency coordination and review function in overseeing the environmental assessment procedure.

The 1975 provincial election emerged as a critical watershed in the Ontario environmental community's efforts to contest the clientele relationship which had developed between the Environment Ministry and waste generators. The election was followed by an extended period of minority government (1975-1981)<sup>19</sup> during which the Liberal Party would join the New Democrats in the Legislature

groups by tapping the legitimating capacity the Legislature. The high level of legislative attention also assisted in attracting media interest, raising the profile of environmental issues generally. In addition, opposition members of the Legislature were able to bring direct pressure to bear on Environment Ministers through the Legislature's accountability mechanisms, most notably question period.

The efforts of opposition party/environmental group networks were especially effective in the context of the opposition parties' capacity to control the Legislature's Standing Committee on Resources Development during the minority government period. The revelation of embarrassing failures on the part of the environment ministry in its efforts to deal with pressing environmental problems before the committee in 1978 and 1979<sup>20</sup> compelled the Environment Minister, Dr. Parrott,<sup>21</sup> to act.

In the result, a more aggressive approach to environmental law enforcement was adopted by the Ministry,<sup>22</sup> a "spills bill" was enacted<sup>23</sup> (although not proclaimed) and the Environmental Assessment Act was applied to private sector proposals for liquid industrial waste treatment and disposal facilities. In addition, the opposition party/environmental group network attention resulted in a gradual increase in the number of provincially-initiated undertakings designated for review under the Environmental Assessment Act, despite resistance from the affected agencies. Furthermore, the Act was applied to municipal undertakings on a regular basis in 1980,<sup>24</sup> over the objections of municipal

governments.

The need to address opposition party and interest group criticism on environmental matters became acute in the context of the government's preparations for an election in the spring of 1981. This culminated in the creation of a Crown corporation, the Ontario Waste Management Corporation, to deal with liquid industrial wastes in the province in December 1980. In a similar light, a new control order was imposed against Inco in the same month. An order was also applied to the province's other major source of acid-causing gas emissions, Ontario Hydro, in January 1981.

Notwithstanding these successes, environmental groups were unable to make significant inroads into the clientele relationship between the environment ministry and waste generators. Industrial interests were not displaced by environmental groups as the ministry's principal clientele. Dr. Parrott was the only minister to make any attempt to develop contacts with environmental groups as sources of support for efforts at reform. The high turnover among Ministers of the Environment made the establishment of a stable relationship difficult.<sup>25</sup> However, the consideration that the conflictual relationship between the Ministry and environmental organizations was reinforced by the increasingly well-known opposition party/interest group networks was, perhaps, an even more significant factor in this regard.

In the meantime, the environment ministry's limited efforts at reform prompted responses from development-oriented policy

networks of state agencies and affected economic interests. The Ministries of Northern Affairs, Natural Resources, Industry and Tourism, and Transportation and Communications were particularly active on behalf of industrial and resource development interests. In addition, municipal concerns regarding the application of the Environmental Assessment Act to their undertakings were articulated through their clientele agencies, namely the Ministry of Treasury, Economics and Intergovernmental Affairs and, subsequently, the Ministry of Intergovernmental Affairs.<sup>26</sup>

The resulting conflicts between the environment ministry and other agencies and their clienteles placed considerable stress on the interest aggregation capacity of the cabinet. In the result, the importance of the policy coordination functions of the institutionalized cabinet established by the COGP reforms was enhanced. Decision-making over environmental matters became an increasingly collegial exercise, particularly through the Cabinet Committee on Resources Development. This had the effects of limiting the capacity of the Environment Minister to undertake independent initiatives and of slowing the pace of the implementation of the reforms which were put in place. Formal guidelines for cabinet submissions were introduced in 1979. These emphasized the importance of private sector economic concerns.<sup>27</sup> In addition, there were a number of direct interventions into environmental policy questions by Premier Davis. The most prominent of these was the decision to create the Ontario Waste Management Corporation.

With the return to Progressive Conservative majority government in 1981<sup>28</sup> the pace of environmental initiatives slowed considerably. Although both Dr. Smith and Mr. Cassidy departed as leaders of their respective parties, both the Liberals, under David Peterson, and New Democrats, under Bob Rae, retained their strong interest in environmental issues and extensive contacts with environmental organizations. However, the government refused to take further action on the acid rain issue. There was even evidence of retrenchment on the question. In addition, faced with industry opposition, the Ministry did not carry through on significant initiatives regarding industrial waste management<sup>29</sup> and air pollution standard setting. At the cabinet level, the minority period trend toward fewer provincial agency exemptions from the project requirements of the Environmental Assessment Act was reversed immediately following the election.<sup>30</sup> Eventually, however, in response to continuing opposition and environmental group pressures, the number of designated undertakings began to rise again. In addition, an Environmental Assessment Advisory Committee was created in July 1983 to advise the government on designation and exemption requests.<sup>31</sup>

The arrival of a Liberal minority government in May 1985<sup>32</sup> marked a critical turning point in the evolution of environmental politics and policy in Ontario. The Liberals were brought to power through an Accord negotiated with the New Democrats which, reflecting the concerns of the bipartisan opposition coalition on environmental matters of the previous decade, included a number of

significant environmental policy provisions. This arrangement facilitated the initiation of a wide range of reforms related to water pollution,<sup>33</sup> acid rain,<sup>34</sup> and municipal solid and industrial hazardous waste management<sup>35</sup> by the Liberal environment minister, Jim Bradley, between 1985 and 1987. In addition, the 1979 "spills bill" was proclaimed and an explicitly "prosecutorial"<sup>36</sup> approach to environmental law enforcement was adopted by the Ministry.<sup>37</sup> Furthermore, the Ministry's horizontal role, established by the Environmental Assessment Act, was consolidated.

Mr. Bradley sought to cultivate the province's community of organized environmental interests as his principal constituency from the outset. This was an extension of the opposition party/environmental group network that had developed over the preceding ten years. The Ministry's previous clientele pluralist relationship with waste generating industries was significantly displaced.

In this setting, the Environment Ministry's activism prompted increasingly strong negative responses from the affected industries and municipal governments. Following the 1987 election, which resulted in a Liberal majority government,<sup>38</sup> these concerns came to the fore within the cabinet. Long-standing divisions within the Ontario Liberal Party regarding its progressive stance on environmental matters, taken from 1975 onwards, began to reemerge. These disputes had been masked during the minority government period by the need to implement the environmental components of the 1985 Liberal-New Democratic Party Accord. The Provincial Treasurer,

Robert Nixon, and the successive Ministers of Municipal Affairs, John Eakins, and then John Sweeney,<sup>39</sup> became particularly active on behalf of industrial and municipal interests.

In the result, Mr. Bradley found the introduction of new environmental measures resisted by other members of the cabinet, and the pace of the implementation of programs launched between 1985 and 1987 slowed. In addition, there were interventions into environmental policy issues by Premier Peterson on behalf of municipal governments. These included the appointment of a deputy minister to address the environmental, transportation and land-use concerns of municipalities in the Greater Toronto Area, and the exemption of interim waste disposal sites for the same region from the Environmental Assessment Act in March 1989.

The intense and ongoing disputes over environmental policy questions within the government ultimately led to the establishment of a new institutional arrangement to contain the conflicts. A Cabinet Committee on Economic and Environmental Policy was created in August 1989. This committee was put in place by the Premier for the explicit purpose of providing a forum within which divisions over the goals of economic development and environmental protection could be resolved. The new committee was an extension of the mechanisms of the institutionalized cabinet system, first put in place through the COGP reforms of 1972. It represented a continuing effort to address environment/economy conflicts by making decision-making in the environmental field a more collegial exercise.

However, the creation of the cabinet committee was almost

immediately followed by an attempt by the Provincial Treasurer to address municipal and land development industry concerns regarding the Environment Ministry's more aggressive approach to its environmental protection mandate through a significant retrenchment of the Ministry's role. This proposal, widely known as "Project X,"<sup>40</sup> was quickly dropped in the face of a very strong negative response from the legislative opposition, environmental organizations, the agricultural community and the media. Subsequently, the Peterson government's last months in office prior to the 1990 election were characterized by a number of significant environmental initiatives as it attempted to restore its credibility on environmental issues following the "Project X" episode.<sup>41</sup>

The "Project X" experience demonstrated the continuing difficulties, despite the cabinet restructuring, to deal with the cross-sectoral potential of environmental policy issues. The current New Democratic Party government appears to be having little more success in this regard. Indeed, in the absence of cabinet-level resolutions of contentious policy issues over the past few years, the role of the Environmental Assessment Board in the formulation of policy through the environmental assessment process under the Environmental Assessment Act, has become increasingly central. This has been especially true in the areas of electrical energy planning through the Ontario Hydro 25-Year Demand/Supply Plan assessment, hazardous waste management through the assessment of the Ontario Waste Management Corporation's proposed hazardous



waste treatment and disposal facility, municipal solid waste through individual municipal solid waste management system assessments and forestry through the class assessment of timber management on crown lands.

## Alberta

Although never as well established as their Ontario counterparts, organized environmental interests in Alberta made efforts of their own to challenge the emerging clientele pluralist relationship between the Alberta Department of the Environment and waste generators in the early and mid 1970's. The environmental group STOP (Save Tomorrow, Oppose Pollution) was particularly active in this regard. However, these endeavors had little effect on the Department's behaviour, as they were overtaken by the very strong social consensus that emerged, especially among Alberta's urban middle class, around the Lougheed government's "economic provincialism."<sup>42</sup> This emphasized the energy-based industrial diversification of the Alberta economy. The strength of this consensus was electorally evident in the results of the 1975 election, in which the opposition party presence in the Legislature was virtually eliminated.<sup>43</sup> In this over-all context, environmental groups suffered a rapid decline in membership and financial contributions. By the late 1970's environmental organizations had almost disappeared from Alberta's political landscape.<sup>44</sup>

These developments, in combination with the replacement of the Environment Conservation Authority with the Environment Council

of Alberta in 1977,<sup>45</sup> left the clientele relationship between Alberta Environment and waste generators essentially unchallenged until 1982. By that year sufficient concern had been aroused within the province's legal community regarding the Department's approach to law enforcement to support the creation of an Environmental Law Centre.<sup>46</sup> However, the Centre's initial efforts had little effect on Alberta Environment's behaviour.<sup>47</sup>

The end of the energy boom, coupled with Premier Lougheed's replacement by Donald Getty in October, 1985, marked the beginning of a new era in Alberta politics. Indications of an erosion of the societal consensus over the government's approach to economic development emerged. Indeed, the appearance of a significant New Democratic and Liberal opposition party presence in the Legislature following the 1986 and 1989 elections supplied electoral evidence that the consensus had collapsed.<sup>48</sup>

The products of the government's efforts to expand the basis of its economic diversification program to include sectors other than agriculture and energy, along with the construction of a dam on the Oldman River announced in 1984,<sup>49</sup> emerged as major sources of discontent.<sup>50</sup> The extensive pulp mill program launched by the Department of Forestry, Lands and Wildlife in the fall of 1987, was particularly controversial.<sup>51</sup> Concerns over the scope and pace of the program, in addition to those regarding the Oldman River Dam project, drew members of the province's professional and academic communities into what became the first widespread debate over environmental quality and the government's resources development

policies. Public concerns, especially in urban areas, were sufficient to facilitate a substantial growth in the level of environmental interest group activity. This was evident in the establishment of a number of new environmental organizations, such as the Alberta Environment Network, the Friends of the North, and the Friends of the Oldman River Society, to supplement the existing Environmental Law Centre.

From the spring of 1988 onwards, both the New Democratic and Liberal opposition parties began to subject successive Ministers of the Environment to intense criticism in the Legislature regarding their responses to the pulp mill program. As in Ontario during the Progressive Conservative period, close contacts emerged between the opposition parties and environmental groups around the pulp mill development program and, to a lesser extent, the construction of the Oldman River Dam. Lacking the research resources of their Ontario counterparts, the Alberta opposition parties came to rely very heavily on environmental groups for information and policy ideas.

The initial response by Alberta Environment Ministers to the reemergence of organized environmental interests in the province was not positive. Mr. Kowalski,<sup>52</sup> in particular, conveyed an attitude of outright hostility towards the province's environmental community.<sup>53</sup> However, appointment of Ralph Klein, the former Liberal Mayor of Calgary, as Minister of the Environment in April 1989 brought about a dramatic transition. In a major departure from the behaviour of his predecessors, the new Minister began to

attempt to build a constituency of support among environmental organizations for his efforts to modernize and enhance his Department's role and practices.

This new approach was evident in Mr. Klein's efforts to strengthen the Department's approach to law enforcement, to make its standard setting and policy development processes more open to public input, and to become more aggressive in its administration of the existing environmental impact assessment process. In this context, extensive provisions related to environmental law enforcement were included in a proposed Alberta Environmental Protection and Enhancement Act released in January 1990. The proposed Act also contained elements intended to augment the Department's planning role by providing a stronger legislative basis for its environmental impact assessment process.

As in Ontario, the Environment Minister's activism brought responses from development-oriented policy networks linking other provincial agencies to affected economic interests. Mr. Klein's attempts to strengthen his department's environmental law enforcement and standard setting practices prompted industry resistance through such agencies as the Departments of Energy and of Forestry, Lands and Wildlife. In addition, the Departments of Energy, of Forestry, Lands and Wildlife, of Tourism, of Agriculture, and of Economic Development and Trade, and their clienteles, responded very negatively to the environmental impact assessment provisions of the proposed Environmental Protection and Enhancement Act. This conflictual setting forced a move towards

more collegial decision-making by the cabinet in the environmental field.

The Cabinet Committee on Economic Development, in particular, began to play an increasingly significant role in environmental policy-making in the province. Final decision-making responsibility regarding the environmental approval of the highly controversial Alberta-Pacific Forest Industries Ltd. pulp mill on the Athabasca River<sup>54</sup> was explicitly assigned to this committee by the Premier. The same committee emerged, along with the Cabinet Committee on Agriculture and Rural Development, as one of the government's principal forums for the resolution of interagency disputes regarding the content of the proposed Environmental Protection and Enhancement Act. This collectivization of responsibility for the content of the proposed Act had the effect of delaying its passage until June 1992. The Act is still to be proclaimed.

The emerging conflicts within the Alberta government over environmental policy were reinforced by the direct federal intervention regarding the Alberta-Pacific mill in the summer of 1989. The federal action was regarded by the Alberta government as an unwarranted intrusion into provincial jurisdiction over natural resources development. Provincial concerns over the possibility of further federal actions were enhanced by judicial decisions related to the Oldman River Dam project<sup>55</sup> and the Rafferty-Alameda Dam project in Saskatchewan.<sup>56</sup> The matter of preempting such federal moves aligned the Alberta Department of Federal and Intergovernmental Affairs with the Department of the Environment's

efforts at legislative reform. It was felt by both agencies that the provision of a solid legislative basis for the province's environmental impact assessment process would weaken federal justifications for interventions in the future.

As in Ontario, the intense and ongoing interagency disputes over environmental policy questions ultimately led to the establishment of a new institutional arrangement intended to address such conflicts on an ongoing basis. The importance of the cabinet committee system was initially enhanced in Alberta by the need to address divisions over environmental issues. However, rather than continuing to rely on the cabinet committee system to resolve such disputes in the future, Premier Getty chose instead to attempt to expand on the past practice, employed in the energy field, of dealing with conflicts over the goals of economic development and environmental protection through a designated agency. The Energy Resources Conservation Board has emerged as the Alberta government's principal forum for the resolution of disputes between energy resources development and environmental protection. The Natural Resources Conservation Board, established in December 1990,<sup>57</sup> is intended to perform a similar function regarding projects involving other types of natural resources.<sup>58</sup>

### **III. The Divergent Pace of Environmental Policy Development in Ontario and Alberta**

The divergence in the pace at which these convergent patterns of environmental policy development emerged in Ontario and Alberta is largely attributable to well-known differences between the two

provinces. Ontario's more populous and pluralistic society has been able to sustain a comparatively high level of environmental interest group activity. The more diverse character of Ontario society also has been reflected in the strength of the three parties present in the Ontario Legislature. Electoral competition and the dynamics of minority government situations have played a major role in strengthening the articulation of environmental interests within the province, and in the degree to which it has been possible to overcome the usual pattern of intense resistance to new environmental measures from development-oriented policy networks of state agencies and economic interests.

In Alberta, the strong social consensus regarding economic diversification during the Lougheed era severely limited the level of support available to organized environmental interests in the province. The strength of this consensus was also evident in the results of the 1975, 1979, and 1982 elections. It has only been with the collapse of this consensus following the end of the oil boom and Mr. Lougheed's retirement that environmental interest groups have reemerged and a substantial opposition party presence has been reestablished in the Alberta Legislature.

#### **IV. The Weakness of the State in the Environmental Field**

The experiences of the Ontario and Alberta governments in the environmental policy field over the past twenty years demonstrate the potential of networks linking legislative opposition parties and interest groups for contesting a clientele pluralist

relationship between a state agency and its existing constituencies. In both the Alberta and Ontario cases, opposition party support tapped the legitimating capacity of the Legislature, reinforcing interests which otherwise had not found strong voices within the government. At the same time, contacts with environment groups enhanced the capacity of opposition parties to hold governments to account for their actions. This consideration has been particularly relevant in the Alberta case over the past few years, were the opposition parties have lacked extensive research resources of their own. A pattern of opposition party-group contacts may also play a major role in defining the course of action of new governments, as demonstrated by Liberal Ontario government between 1985 and 1987.

The strength of the pressures which opposition party/interest group networks can bring to bear on a target agency, either to press the responsible minister to undertake reforms, or in support of positive initiatives, is considerable. Opposition parties have greater freedom to pursue policy issues than governing parties by virtue of their lesser need to aggregate the full range of societal interests. The legislative opposition can focus direct attention on an issue during question period and, in minority government situations, use committees of the Legislature for the same purpose. Media attention is likely to be drawn by such efforts. This may be of particular importance when electoral competition between the governing and opposition parties is acute.

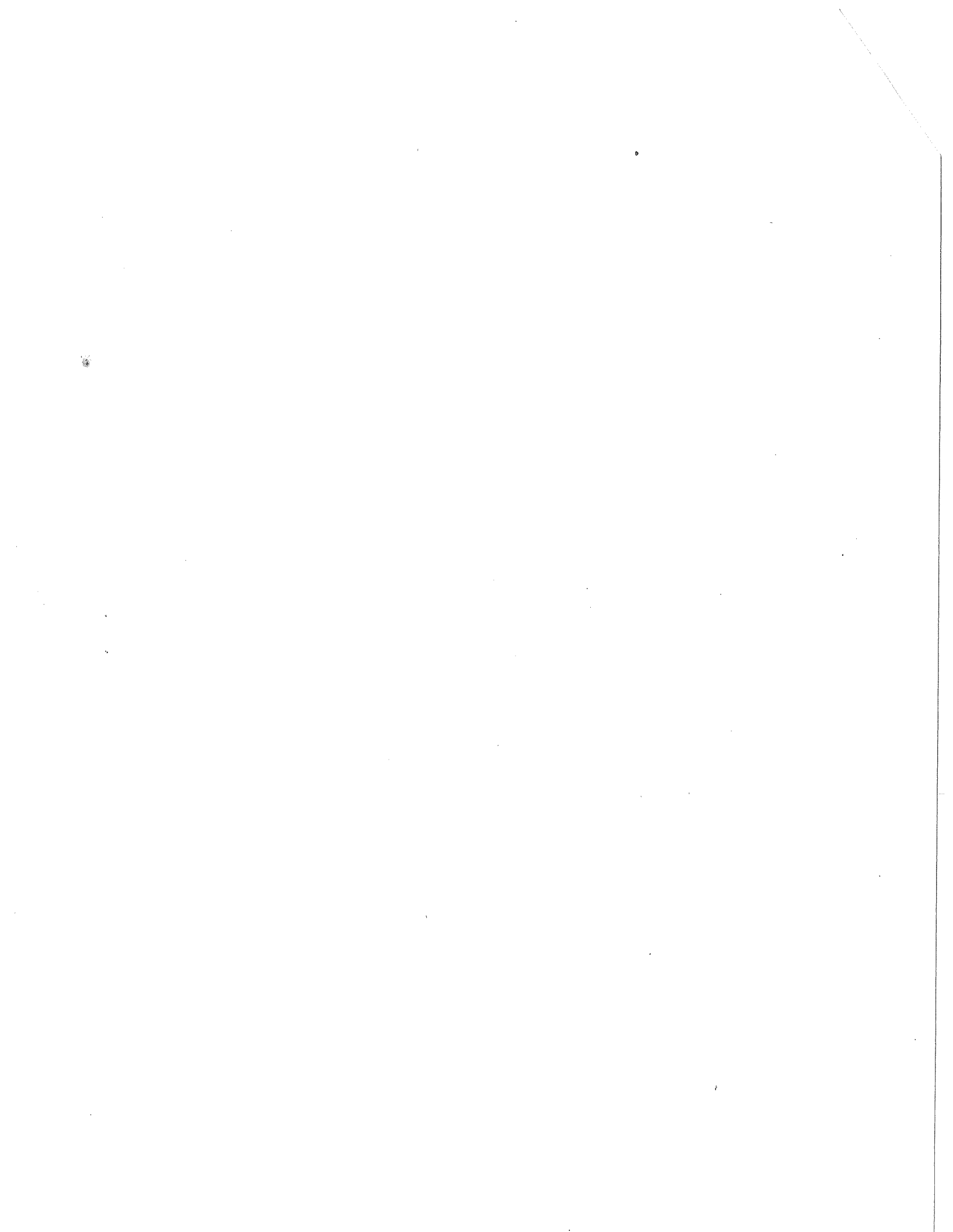
However, once the target agency responds to these pressures,



and its original industrial clientele becomes displaced, it will provoke a reaction from competing, development-oriented policy networks of state agencies and their clienteles. The challenge of the cross-sectoral nature of environmental issues then becomes abundantly apparent. Such a pattern of events was first evident during Dr. Parrott's time in the Ontario portfolio, and became fully developed during Mr. Bradley's term in Ontario and Mr. Klein's tenure in Alberta.

In the context of the adversarial partisan politics of the Westminster model, the capacity of the Legislature to function as a consensus building body in such a situation is extremely limited.<sup>59</sup> Rather, the interest aggregation role of the cabinet was elevated in the governments involved. In both the Ontario and Alberta cases, decision-making in the policy field became a collective exercise of the relevant committees of cabinet and interventions by first ministers into specific policy issues were necessary. This had the effect of circumscribing the capacity of environment ministers to strengthen their agencies' approaches to their environmental protection mandates. More broadly, it has tended to produce policy deadlocks within the affected cabinets in key policy fields related to environmental protection and resources development.

In the case of both provinces, new institutional arrangements were required to provide forums for the resolution of this problem. The character of these new structures was shaped by each government's previous approach to executive organization and



cabinet government setting. In Ontario, Premier Peterson's decision to create a Cabinet Committee on Economic and Environmental Policy, represented a continuing reliance on the mechanisms of the institutionalized cabinet system first put in place in 1972. In Alberta, the initial response also was through the existing cabinet committee system. However, more recently, the Alberta government has attempted to expand on the practice of dealing with contentious cross-sectoral policy issues through a designated agency. This technique has been employed over the past two decades in the energy sector through the Energy Resources Conservation Board. The introduction of the Natural Resources Conservation Board is intended to extend such an approach to resources development projects outside of the energy sector.

Notwithstanding its cabinet restructuring and new New Democratic Party government, Ontario appears to be moving, albeit in a less deliberate or explicit fashion, in the same direction as Alberta. In the context of a continuing inability to articulate a clear policy framework within important fields related to environmental protection, the role of the Environmental Assessment Board, through its environmental assessment hearings related to major undertakings in these areas, as the key policy-making body in these fields, is becoming increasingly apparent. This has been especially true in the highly contentious areas of electrical energy policy, hazardous waste management, municipal solid waste management, and timber management on crown lands.

V. The Impact of Federal-Provincial Relations and American

## **Influences**

While divergent levels of party competition and environmental interest group activity are the preeminent considerations in the explanation of the character of environmental politics in Ontario and Alberta, a number of other factors have also had significant effects on the pace of environmental policy development in the two provinces.

### **i) Federal-Provincial Relations**

The creation of the Ontario and Alberta environment ministries provided some early evidence that the possibility of federal action, among other factors, could assist in prompting provincial governments to act on environmental matters. The provincial response to the passage of the federal Environmental Contaminants Act in 1975 further emphasized this consideration. The Ontario government's promulgation of Regulation 926/76 under the Environmental Protection Act in 1976 was partially in reply to the possibility of federal action to fill the hazardous contaminants policy field. The passage of the 1978 Alberta Hazardous Chemicals Act was based on similar concerns.

However, following its initial phase of activism in the early 1970's, the federal government began to adopt a more deferential stance in its dealings with provincial governments over environmental issues. This was particularly evident in the series of agreements which the federal government entered into with the provinces in the mid 1970's, establishing the provinces as the lead enforcers of federal environmental legislation, particularly with

respect to the Fisheries Act.<sup>60</sup> In the result, there were few federal actions which had a significant effect on the behaviour of the Ontario and Alberta governments through the late 1970's and early 1980's.

Indications that, in response to rising levels of environmental concern among the general public,<sup>61</sup> the federal government intended to become more active in the environmental field began to emerge following Thomas MacMillan's appointment as federal Minister of the Environment in August 1985. The federal government's efforts were especially evident in the passage of a comprehensive Canadian Environmental Protection Act in 1988. The potential scope of federal activism was enhanced by the Supreme Court of Canada's Crown Zellerbach<sup>62</sup> decision of the same year and the Federal Court of Appeal's, June 1989 finding regarding Saskatchewan's Rafferty-Alameda Dam Project.<sup>63</sup>

Notwithstanding these developments, the level of federal activity in Ontario remained unchanged, at a very low level. In this context, the Ontario government seemed to take a positive view of increased federal environmental activism, in that it might compel other provinces to raise their environmental standards to a level closer to Ontario's. This would limit Ontario's economic vulnerability to other provinces offering themselves as "pollution havens" in order to attract investment.

The experience and response of the Alberta government regarding the federal government's new approach to its role was entirely different. The summer of 1989 was marked by the federal

government's dramatic and unprecedented intervention into the environmental impact assessment of the proposed Alberta-Pacific pulp mill on the Athabasca River. The federal government's action prompted an extremely strong negative response from the Alberta government. In the result, the Alberta Federal and Intergovernmental Affairs Department emerged as the Alberta Department of the Environment's principal ally in its efforts to provide a more solid basis for the province's environmental impact assessment process through the proposed Environmental Protection and Enhancement Act. It was felt by both agencies that this would weaken federal justifications for interventions in the future. These considerations were reinforced by the Supreme Court of Canada's January 1992 decision against the position of the Alberta government regarding the environmental assessment of the Oldman River Dam.<sup>64</sup> This was a significant factor in the Act's final passage in June 1992.

**ii) American Influences on Canadian Environmental Politics and Policy**

The effects of initiatives by the United States government and environmental interest groups on Canadian environmental politics have been evident in both Ontario and Alberta. The development in the United States of environmental impact assessment as an environmental policy planning tool, culminating in the passage of the National Environmental Policy Act in 1968, had a major effect on how the Ontario and Alberta governments chose to attempt to address the cross-sectoral potential of environmental

issues.<sup>65</sup> In addition, environmental standard setting practices in Ontario and Alberta have been strongly affected by the work of the United States Environmental Protection Agency. Lacking extensive research resources of their own, both the Ontario Ministry and Alberta Department have drawn heavily on Environmental Protection Agency research in setting guidelines for effluent and emissions content.<sup>66</sup>

American influences also surface as part of the explanation for the more rapid pace of policy development in Ontario. That province's immediate proximity to the heavily industrialized states in the Great Lakes-St Lawrence River watershed has led to a number of direct spill-overs of environmental issues from those states. The Love Canal situation in neighboring New York State, for example, reinforced concerns in Ontario regarding the disposal of liquid industrial wastes in the late 1970's. At the same time, Ontario's downwind proximity to the major sources of acid-causing gas emissions in the United States, particularly in Michigan and Ohio, enhanced the profile of the acid rain issue in the province.

The experiences of American environmental interest groups have had significant effects on the behaviour of their Canadian counterparts. This has been especially true among the organizationally well-developed groups in Ontario. The successes of American environmental organizations, such the Sierra Club and the Natural Resources Defense Council, in seeking judicial reviews of the implementation of American environmental statutes in the early 1970's had an especially strong impact. This was particularly

evident in the behaviour of Ontario groups in the development of the Environmental Assessment Act. The propensity of American environmental groups to resort to legal measures also influenced the high level of support for the concept of an Environmental Bill of Rights among Ontario environmental advocacy organizations.

Following the lead of their American and Ontario counterparts, the more recently established community of environmental groups in Alberta has demonstrated an increasing tendency to resort to litigation as well. This pattern may be reinforced by the Friends of the Oldman River Society's success before the Supreme Court of Canada. However, at the same time, it is important to note that there are growing debates within the Canadian environmental movement regarding the value of litigation and legalism in environmental policy formulation.

#### IV. Conclusions

The environmental policy experience of Ontario and Alberta over the past twenty years demonstrates that the pace of environmental policy development at the provincial level in Canada is a societally-driven phenomenon. In particular, it is a function of the degree of social consensus within a given society regarding industrial and natural resources development policies. This is especially evident in the level of party competition and interest group activity in the environmental field specifically, and in a general sense as well.

In addition, the state's capacity to respond to these societal



pressures regarding environmental protection appears to be quite weak. This is principally a result of the cross-cutting or "horizontal" nature of environmental policy issues. The clash between efforts to respond societal and political pressures for enhanced environmental protection and the reaction of the affected industrial, resources development and municipal interests, frequently induces policy deadlocks within the cabinets of the affected governments. In the result, there is an increasing tendency to assign interest aggregation functions within the environmental and natural resources fields to special purpose bodies, such as the Alberta Natural Resources Conservation Board and the Ontario Environmental Assessment Board.

The resolution of these ongoing policy conflicts in the environmental policy field will not only require action in terms of the design of state institutions. They will also require a reconsideration of Canadian society's traditional notions of economic progress and development to take environmental constraints into direct account. This transition will present an enormous challenge to societies around the world in the coming decades. However if, in the words of the Brundtland Commission, we are to "meet the needs of present generations without compromising the ability of future generations to meet their own needs,"<sup>57</sup> it is a challenge which must be met.

## Endnotes

1. Winfield, M., The Ultimate Horizontal Issue: Environmental Policy and Politics in Ontario and Alberta 19971-1992, (Toronto: Ph.D. Thesis, Department of Political Science, University of Toronto, 1992).

2. For a discussion of the concepts of "policing" and "planning" regulation see R. Schultz and A. Alexandroff, Economic Regulation and the Federal System, (Toronto: University of Toronto Press, 1985), ch. 1.

3. Mr. Lewis became N.D.P. leader in the fall of 1970.

4. The COGP produced ten interim reports between December 1970 and March 1973. Interim Report Number Three (1971) dealt specifically with government organization and environmental and resources development policy issues.

5. Established through the Ontario Water Resources Commission Act of 1956.

6. See the Environment Conservation Act, 1970.

7. The Government Reorganization Act of 1972 renamed the Ontario Water Resources Commission Act of 1956 the Ontario Water Resources Act.

8. The Department of the Environment Act, 1971, s. 8.

9. W.D. Coleman and G. Skogstad, Policy Communities and Public Policy in Canada: A Structural Approach, (Toronto: Copp Clark Pitmann, 1990), p. 27.

10. See, for example, R.B. Gibson, Control Orders and Industrial Pollution in Ontario, (Toronto: Canadian Environmental Law Research Foundation, 1983). See also M.A.H. Franson, R.T. Franson and A.R. Lucas, Environmental Standards: A Comparative Study of Canadian Standards, Standard Setting and Enforcement, (Edmonton: Environment Council of Alberta, 1982).

11. Ibid. See also J.C. Lack "Alberta Environment's Approach to Industrial Air Pollution Control," (Edmonton: Alberta Department of the Environment, 1981).

12. For a general discussion of the concept of "accommodative" approaches to environmental law enforcement see, for example: R. Brickman, S. Jasanoff and T. Ilgen, Controlling Chemicals: The Politics of Regulation in Europe and the United States, (Ithaca: Cornell University Press, 1985); D. Vogel, National Styles of Regulation: Environmental Policy in Great Britain and the United

States, (Ithaca: Cornell University Press, 1986); L. Lundqvist, The Hare and the Tortoise, (Ann Arbor: University of Michigan Press, 1980); and R. Williams, Government Regulation of the Occupational and General Environments in the United Kingdom, the United States and Sweden, (Ottawa: Supply and Services Canada (Science Council of Canada Background Study) 1977).

13.P.S. Elder, "Environmental Impact Assessment in Alberta," Alberta Law Review, Vol. 23, No. 2, 1985.

14. See D. Tingely, The Energy Licensing Process in Alberta, (Edmonton: Environmental Law Centre, 1987).

15. See, for example, Green v. The Queen in Right of Ontario and Lake Ontario Cement Co. Ltd., (1973), 2 O.R., 396.

16. See, for example, A Seminar on the Green Paper on Environmental Impact Assessment: Proceedings, (Toronto: Conservation Council of Ontario, 1973).

17. On the failure of the Provincial Secretaries' portfolios see E.E. Stewart, Cabinet Government in Ontario: A View from the Inside, (Halifax: Institute for Research on Public Policy, 1989), p. 18.

18. See Seminar on the Green Paper: Proceedings.

19. The standings in the Legislature following the 1975 election were: Progressive Conservatives 51; N.D.P. 38; and Liberals 36. 1977: Progressive Conservatives 58; Liberals 34; and N.D.P. 33.

20. See Ontario, Legislative Assembly, Standing Committee on Resources Development Interim Report on Liquid Industrial Waste, (Toronto: Legislative Assembly of Ontario, 1979) and Ontario, Legislative Assembly, Standing Committee on Resources Development Final Report on Acid Precipitation, Abatement of Emissions from the International Nickel Company Operations at Sudbury, Pollution Control in the Pulp and Paper Industry and Pollution Abatement at the Reed Paper Mill in Dryden, (Toronto: Legislative Assembly of Ontario, 1979).

21. Dr. Parrott was Minister of the Environment from August 1978 until April 1981.

22. Gibson, Control Orders and Industrial Pollution, p. 84.

23. An Act to Amend the Environmental Protection Act, 1979. Now The Environmental Protection Act, Part IX.

24. Ontario Regulation 293/80.

25. Nine individuals held the environment portfolio during the Davis period. Their average tenure as environment ministers was 17 months. The average tenure of a "typical" minister in the Davis government in his or her portfolio between 1971 and 1985 was 23 months. See G. White "Big is different from little: on taking size seriously in the analysis of Canadian governmental institutions," Canadian Public Administration, Vol. 33, No. 4, p. 358.

26. The Ministry of Intergovernmental Affairs was separated from the Ministry of Treasury, Economics and Intergovernmental Affairs in 1979.

27. Ontario, Cabinet Office, Guidelines for Preparing Cabinet Submissions, (Toronto: Cabinet Office, 1979).

28. The standings in the Legislature following the 1981 election: Progressive Conservatives 78; Liberals 34; and N.D.P. 21.

29. Ontario Ministry of the Environment, Blueprint for Waste Management in Ontario, (Toronto: Ontario Ministry of the Environment, 1983).

30. See Conservation Council of Ontario, A Brief to the Premier of Ontario on Exemptions from the Environmental Assessment Act, (Toronto: Conservation Council of Ontario, May, 1981).

31. See generally R.B. Gibson and B. Savan, Environmental Assessment in Ontario, (Toronto: Canadian Environmental Law Research Foundation, 1986).

32. The standings in the Legislature following the 1985 election were: Progressive Conservatives 52; Liberals 48; and N.D.P. 25.

33. Ontario Ministry of the Environment, Municipal-Industrial Strategy for Abatement: A Policy and Program Statement of the Government of Ontario on Controlling Municipal and Industrial Discharges to Surface Waters, (Toronto: Ontario Ministry of the Environment, 1986).

34. Ontario Ministry of the Environment, Countdown Acid Rain, (Toronto: Ontario Ministry of the Environment, 1986).

35. W. Glenn, Waste Management Initiatives in Ontario, (Toronto: Corpus Information Services, 1987).

36. For a general discussion of the concept of "prosecutorial" approaches to environmental law enforcement see, for example: Brickman, Jasanoff and Ilgen, Controlling Chemicals: The Politics of Regulation in Europe and the United States; Vogel, National

Styles of Regulation: Environmental Policy in Great Britain and the United States; Lundqvist, The Hare and the Tortoise; and R. Williams, Government Regulation of the Occupational and General Environments in the United Kingdom, the United States and Sweden.

37. This was particularly evident in the establishment of an Investigation and Enforcement Branch within the Ministry and in the enactment of the Environmental Statute Law Enforcement Amendment Act of 1986.

38. The 1987 election results: Liberals 95; N.D.P. 19, Progressive Conservatives 16.

39. Appointed August 1989.

40. Ontario Ministry of Treasury and Economics, Reforming Our Land Use and Development System, (Toronto: Ministry of Treasury and Economics, 1989).

41. The most prominent of these was the announcement of the creation of a large provincial park in Toronto's Rouge River Valley in March 1990.

42. J. Richards and L. Pratt, Prairie Capitalism: Power and Influence in the New West, (Toronto: McClelland & Stewart, 1979), p. 233.

43. The standings in the Alberta Legislature following the 1975 election were: Progressive Conservatives 69; Social Credit 4; N.D.P. 1; and Other 1. The 1979 and 1982 elections produced similar results. 1979: Progressive Conservatives 74; Social Credit 4; and N.D.P. 1. 1982: Progressive Conservatives 75; N.D.P. 2; and other 2.

44. L. Duncan, "Eulogy for STOP: A Decade of Environmental Activism," Alternatives, Vol. 11, No. 1, Fall 1982. The Alberta Wilderness Association and Federation of Alberta Naturalists, both founded in 1971, continued to operate as part-time organizations with no permanent staff.

45. For a description of the demise of the Conservation Authority see C.D. Hunt, "Environmental Protection and the Public," Alternatives, Vol. 8, No. 1, 1978.

46. The Centre is supported by the Law Foundation of Alberta.

47. See Environmental Law Centre, The Enforcement of Environmental Law in Alberta, (Edmonton: Environmental Law Centre, 1983).

48. The standings in the Legislature following the 1986 election were: Progressive Conservatives 61; N.D.P. 16; and Liberals 4. 1989: Progressive Conservatives 59; N.D.P. 16; and Liberals 8.

49. The dam had originally been proposed in 1979, but had been dropped by the government following a strongly negative environmental review by the Environment Council of Alberta. See Environment Council of Alberta, The Management of Water Resources in the Oldman River Basin: Report and Recommendations (Edmonton: Environment Council of Alberta, 1979).

50. See Alberta Department of Economic Development and Trade, White Paper on Proposals for an Industrial and Science Strategy for Albertans 1985-1990, (Edmonton: Alberta Department of Economic Development and Trade, 1986).

51. See A. Nikiforuk and E. Stuzic, "The Great Forest Sell-Off," Report on Business Magazine, November, 1989 for a detailed discussion of this program.

52. Mr. Kowalski was Minister of the Environment from June 1986 until September 1988.

53. See, for example "Environmentalists labelled "anarchists" by Kowalski," The Calgary Herald, September 11, 1987.

54. See Alberta-Pacific Environmental Impact Assessment Review Board, The Proposed Alberta-Pacific Pulp Mill: Report of the EIA Review Board (Edmonton: Alberta Department of the Environment, 1990).

55. Friends of the Oldman River Society v. Minister of Transport and Minister of Fisheries and Oceans and Her Majesty in Right of Alberta, (Federal Court of Canada, Appeal Division, (A-395-89), March 13, 1990.

56. Canadian Wildlife Federation v. Minister of the Environment, (Federal Court of Canada, Appeal Division, (A-228-89), June 22, 1989.

57. See the Natural Resources Conservation Board Act, 1990.

58. On this matter see the comments of the Hon. R. Orman, Minister of Energy, Alberta Hansard, December 5, 1990 on second reading of the bill.

59. M.M. Atkinson and W.D. Coleman, The State, Business and Industrial Change in Canada, (Toronto: University of Toronto Press, 1989), pp. 57-60.

60. Nemetz, P.N., "The Fisheries Act and federal-provincial environmental regulation: duplication or complementarity," Canadian Public Administration, Vol. 29, No. 3, 1986.

61. Environmental issues reached to top of polls of public concerns in January, 1987. See "Environment tops free trade in poll of Canadian concerns," The Globe and Mail, January 12, 1987.

62. The Queen v. Crown Zellerbach Canada Ltd., (1988) I S.C.R. 401.

63. Canadian Wildlife Federation v. Minister of the Environment.

64. Friends of the Oldman River Society v. Canada and the Queen in Right of Alberta, Supreme Court of Canada, January 23, 1992, 1-88 D.L.R. (4th) 1992.

65. See Alberta Environment Conservation Authority, The Impact of Surface Mining in Alberta: Proceedings, Report and Recommendations, (Edmonton: Environment Conservation Authority, 1972) and Ontario Ministry of the Environment, Green Paper on Environmental Assessment, (Toronto: Ontario Ministry of the Environment, 1973).

66. See, for example, Franson, Franson, and Lucas, Environmental Standards: A Comparative Study of Canadian Standards, Standard Setting and Enforcement.

67. World Commission on Environment and Development, Our Common Future (New York: Oxford University Press, 1986), p. 8.

#### A Note on Other Sources

Many interviews were conducted with politicians, officials and members of interest groups involved in environmental policy development and implementation in Ontario and Alberta over the past twenty years as part of this study. Since many of the interviews were conducted with an explicit or implicit understanding of interviewee confidentiality, the interviewees will not be listed.

