



News Release

For Immediate Release

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Environment Ministry Needs to Lead by Example in Complying with the *Environmental Bill of Rights*: Auditor General

(TORONTO) The Environment Ministry has not fully complied with a number of the requirements of the *Environmental Bill of Rights, 1993 (Act)*, Auditor General Bonnie Lysyk says in her *2019 Annual Report*, tabled today in the Legislative Assembly.

“The Ministry of the Environment, Conservation and Parks has primary responsibility for protecting the environment in Ontario. Therefore, it needs to do more to lead by example in complying with the requirements of the Act. Non-compliance makes it more difficult for Ontarians to exercise their environmental rights,” Lysyk said.

The Act applies to 15 government ministries, including the Environment Ministry. The Report examined the ministries’ compliance, along with the public’s use of its environmental rights under the Act, for the period from April 1, 2018, to March 31, 2019.

The government directed all ministries in November 2018 to update their Statements of Environmental Values to reflect the province’s Made-in-Ontario Environment Plan. However, at the time of our work, 10 of the 15 ministries, including the Environment Ministry, did not have an up-to-date Statement, which the Act requires.

Among the other findings in the Report:

- In July 2018, the Environment Ministry repealed the cap and trade program without first holding public consultations, as required by the Act. The Ministry argued that the 2018 Ontario election amounted to a “substantially equivalent” exception, which is allowed in the Act. However, the Ontario Divisional Court concluded in October 2019 that the election was not an equivalent exception.
- The Environment Ministry denied a public request to review the standards for releasing nitrogen dioxide and fine particulate matter into the air. When this decision was made, the Ministry did not provide any supporting evidence showing that current standards sufficiently protect human health and the environment.
- The Act requires ministries to post proposal notices for environmental policies, acts regulations, licences and other approvals. Over half of the proposal notices posted on the Environmental Registry that the Report reviewed did not provide all of the information needed for the public to fully understand these proposals.
- The posting of the following significant and complex proposals in 2018/19 could have benefited from having more time to enable more informed consultation:
 - the Environment Ministry’s proposal for the *Cap and Trade Cancellation Act, 2018*;
 - the Environment Ministry’s proposal to change the regulation of sulphur dioxide emissions from petroleum industries; and
 - the Environment Ministry’s proposal to repeal the *Green Energy Act*.

- Treasury Board Secretariat, and the ministries of Economic Development and Indigenous Affairs fully met their responsibilities under the Act. With the exception of needing to update its Statement of Environmental Values, the Transportation Ministry met all of its responsibilities. The Agriculture, Government Services and Infrastructure ministries met almost all of their responsibilities.

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For more information, please contact:

Bonnie Lysyk
Auditor General
(416) 327-1326

Read the report at www.auditor.on.ca

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