



News Release

For Immediate Release

November 18, 2020

The Ministry of the Environment, Conservation and Parks Needs to Lead by Example When It Comes to Protecting Ontario's Environment: Auditor General

(TORONTO) The Ministry of the Environment, Conservation and Parks needs to do more in leading by example on the environmental front by supporting, promoting and administering the Environmental Bill of Rights (EBR Act) in a more fulsome manner, concluded Auditor General Bonnie Lysyk in her *2020 Annual Report of Environmental Value-for-Money Audits and the Operation of the Environmental Bill of Rights*.

The report found examples by multiple government ministries of non-compliance with their responsibilities under the EBR Act that prevented its effective operation in 2019/20. The report states some ministries are still not posting environmentally significant proposals on the Environmental Registry or giving the public enough time to respond when they do.

“The ministries have an obligation to embrace this legislation and include Ontarians in the decision-making process,” said Lysyk. “The EBR is critical in ensuring meaningful public participation and better decisions affecting the environment.”

The report shows a number of issues that all led to ministries' compliance with the EBR worsening in 2019/20. These issues include:

- not giving the public ample time to respond to complex proposals;
- not updating Registry notices or notifying the public of decisions in a timely manner; and
- insufficient information and not enough time given to Ontarians to comment on commercial forestry management changes that affect protections for endangered species.

The Auditor General also concluded the Environment Ministry put in place an overly broad temporary exemption to the EBR's public consultation requirements—created to help the province respond rapidly to COVID-19 issues. The report says the exemption had the effect of bypassing Ontarians' right to request permission to appeal decisions for 197 environmentally significant permits and approvals that were unrelated to the pandemic.

“Given that the *Environmental Bill of Rights* has been with us for 26 years, the level of non-compliance by ministries is surprising,” says the Auditor General. “We strongly encourage the ministries to be more diligent in this regard.”

The Auditor General's report made a total of 57 recommendations.

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For more information, please contact:
Bonnie Lysyk
Auditor General
(647) 267-9263

Visit www.auditor.on.ca to read the report.

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Background and Other Findings:

- The *Environmental Bill of Rights, 1993* (EBR) recognizes the province has the responsibility for protecting the natural environment and Ontarians' rights to participate in government's environmental decisions and hold the government accountable for those decisions.
- The EBR requires prescribed ministries to provide a minimum of 30 days for the public to comment on proposals posted on the Registry. It also requires ministries to consider providing more time for public consultation on proposals based on how complex they are, the level of public interest, or other factors.
- The audit also noted that ministries' decisions that were not consistent with purposes of the EBR Act reduced government transparency and accountability. It concluded this could undermine public confidence in government environmental decision-making.
- Some other findings include:
 - A total of 112 notices for environmentally significant proposals on the Environmental Registry had not been updated in more than two years.
 - The Environment, Municipal Affairs and Energy and Mines ministries posted seven decision notices in 2019/20 that did not describe the effects of public participation on the decisions.
 - Ontarians were not given notice of 42 per cent of sampled environmentally significant decisions made by seven ministries until more than two weeks after decisions were made.
 - 19 of 71 proposal notices for policies, acts and regulations posted by the Environment, Natural Resources, Municipal Affairs and Economic Development ministries in 2019/20 did not adequately describe the environmental implications of the proposals.
 - Government ministries did not give appropriate notice of three environmentally significant proposals.
 - The Environment Ministry and the Municipal Affairs Ministry did not consult Ontarians through the Environmental Registry about changes to the *Environmental Assessment Act* and the *Planning Act* included in the *COVID-19 Economic Recovery Act, 2020* (Bill 197). A provision in Bill 197 retroactively deemed the EBR's public consultation requirements not to have applied to the *Environmental Assessment Act* amendments.
 - The Natural Resources Ministry and the Environment Ministry did not give Ontarians sufficient information about, or time to comment on, a series of proposals that, together, would make significant changes to how the ministries regulate commercial forestry on Crown Land, affecting protections for species at risk.
 - The Environment Ministry made significant amendments to the *Endangered Species Act, 2007* that reduced legal protection for species at risk and were inconsistent with both the Ministry's objectives to improve outcomes for those species, and with the purposes of the EBR.