**Draft Notes and Talking Points on Bill 132**

General

Bill 132, known as the “Better for People, Smarter for Business Act, 2019” was tabled for 1st reading on October 28, 2019. The Provincial government’s first day back to the Ontario Legislature after an extended recess. The Bill is intended to “reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations”.

The Act proposes changes to 12 environmental laws, in Schedule 9 and Schedule 16. The Bill has been time allocated and has been deferred to the Standing Committee on General Government, who will be holding hearings across Ontario between November 19 and 29.

The timeline for the Bill is as follows:

* November 15th: 10am deadline to request to appear at standing committee
* November 19th to November 29th: Travelling standing committee meetings in London, Peterborough, Sault Ste. Marie, Kenora and Toronto.
* November 29th: Deadline for written submissions to standing committee
* December 3rd: Clause by clause consideration by standing committee
* December 4th: Standing committee reports back to the Legislature
* December 4th: Third reading to be ordered, no deferral of second reading will be permitted (Time to debate limited to 5 hours, 20 minutes).

This trajectory means the omnibus bill is scheduled to move quickly, with the likely intent of passing the bill before the December recess begins (scheduled last sitting day is December 12).

Potential Impacts

Disclaimer: this analysis of potential impacts is in no way a legal opinion and should be considered a draft and subject to change as more analysis is conducted.

The omnibus nature of the Bill makes it difficult to analyze for each of the 12 environmental laws that Schedules 9 and 16 impacts. However, early analysis has revealed the following observations on potential impacts in the below four categories of; polluter penalties, aggregates, pesticides and forestry.

|  |  |  |
| --- | --- | --- |
| Issue Area | Changes & Potential Implications | Schedule & Acts Impacted |
| Polluter Penalties | Bill 132 proposes changes to the enforcement clauses of several environmental acts. Where penalties in these Acts currently have daily maximum fines, the amendments proposed would cap the fines as “per contravention” rather than daily maximums. For example, currently in the Ontario Water Resources Act the maximum fine for a contravention is $100,000 per day. The amendments proposed would make the maximum fine $200,000 per contravention, rather than a daily fine. In the Nutrient Management Act, the daily fine is currently maximum $10,000 – the amendments cap the total fine per contravention at $10,000. This could have serious implications for nutrient pollution and its contribution to harmful algae blooms in freshwater.  Capping the total fines and removing the ability to have fines applied daily disincentives polluters from addressing issues quickly. While the amendments broaden the scope of where the Ministry of Environment, Conservation and Parks can issue fines, the cap in amount a polluter has to pay moves in the opposite direction of accountability for polluters. | Schedule 9  *Environmental Protection Act*  *Ontario Water Resources Act*  *Nutrient Management Act*  *Safe Drinking Water Act* |
| Pesticides | The changes proposed will undermine Ontario’s restrictions on the neonicotinoid insecticides (“neonics”) – the insecticide linked to bee mortality. The proposed changes remove the requirement for seed vendors to report sales numbers for treated and untreated seeds, and for the government to publicly post seed sales data. The amendments would also eliminate third-party assessment of pest threats as a requirement for accessing the neonic-treated seeds under the current rules. These public accountability mechanisms are key in ensuring public confidence in the regulatory system. These changes could mean increased use of bee-killing neonic pesticides.  Ontario’s Pesticide Regulation also currently bans the use and sale of so-called cosmetic pesticides, except products that meet low-risk criteria. The proposed amendments to the regulation change the original language of the low-risk criteria, which paves the way for some banned pesticides for lawns and gardens to potentially be re-introduced. | Schedule 9  *Pesticides Act*  And related regulations: Pesticide Regulation (63/09 General) |
| Aggregates | The proposed changes in the *Aggregate Resources Act* will prevent municipalities from addressing the impact of pits and quarries on groundwater by outlawing the use of municipal zoning bylaws to prevent aggregate operations from digging beneath the water table. This change poses a threat to local groundwater supplies and quality. With these changes, municipalities will be prevented from implementing zoning restrictions on aggregate development on Crown Land within their boundaries – this could impact many communities across Ontario.  The proposed amendments 3will make it easier for aggregate operators to make changes to their operations with a poorly defined “permit by rule” system that allows changes for “low risk” activities that have not been specified. It would also prevent consideration of road damage from haulage in deciding on licence approvals. | Schedule 16  *Aggregate Resources Act* |
| Forestry | The proposed changes to forest management under the *Crown Forest Sustainability Act* will mean that new permits are not required to promote forest sustainability and will not be subject to forest renewal requirements; the Minister will not have to prioritize forest protection in permit approval decisions if the proposed changes pass.  The proposed amendments also represent a reduction in oversight as the a forestry licence holder can make changes to their work plan without Minister approval, and Minister approval is no longer needed for those annual work plans. Accountability and oversight is also reduced in the proposed changes as several reports will no longer have to be tabled in the Legislature or approved by Cabinet. | Schedule 16  *Crown Forest Sustainability Act* |