

Ontario's critical moment: Making our move to a green future

REVISED NOVEMBER 2021



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.



ecojustice

ECOLOGY
OTTAWA



ÉCOLOGIE
OTTAWA



environmental
defence

Green
infrastructure
ONTARIO COALITION

GREENPEACE

Ontario
Nature



ONTARIO
CLEAN AIR
ALLIANCE

PEMBINA
institute

tea



RNAO



WILDLANDS LEAGUE



WCS Canada

INTRODUCTION

The world is facing a combined climate, pollution and biodiversity crisis. From Intergovernmental Panel on Climate Change reports that outline our rapidly diminishing window for action on climate to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services report that predicts up to one million species extinctions, the writing is on the wall about how we are harming the health of our planet – and ourselves.

There is no question that the public increasingly understands the seriousness of these threats and wants action to address them. Polls show strong support for action on both climate and to reverse biodiversity loss.

Meanwhile, a global pandemic has brought home the true costs of often short-sighted actions to exploit natural systems without a proper understanding of how these actions can result in global threats. There has never been a better time to understand — and act on — the connections between planetary health and human health.

Yet over the past two years Ontario has been losing ground on environmental protection measures, leaving the province highly vulnerable to the growing impacts of climate change, deteriorating natural systems and ever-growing contamination and pollution of our environment.

A wholesale change in direction is urgently required as we try to rebuild our economy in the wake of the COVID-19 crisis. This shift in direction must recognize and eliminate the injustice of vulnerable and racialized communities being disproportionately impacted by both the social and economic consequences of the pandemic and by climate change, resource extraction, and toxic pollution. Any party looking to form government must learn from the past 12 months about the immense importance of not taking dangerous short cuts when it comes to sustaining the natural systems that are fundamental to our health and prosperity. We must address the persistent social and economic inequalities laid bare by the pandemic, and consider both intergenerational equity and reconciliation with Indigenous peoples in responding to the crisis – and opportunities – we now face.

As other jurisdictions embrace building back better by embracing green, Ontario must adopt new approaches and recognize the need to safeguard our health and our environment if we want this province to remain competitive, prosperous and healthy.

In this document we lay out a detailed agenda for how Ontario can build back better.

Stop biodiversity loss by protecting and restoring natural areas and acting to save species before it is too late.

Endangered Species

We need to develop and invest in an endangered species protection regime that recognizes that the key to species recovery is protecting and restoring habitat. This system should be grounded in scientific and Indigenous knowledge and should reflect the critical importance of conserving biodiversity in government priority setting.

- Restore the original (*Endangered Species Act, 2007*) science-based system for determining species status and end political interference and delays.
- Do not proceed with the Species at Risk Conservation Fund (aka “Pay to Slay”) that will make it easier and more likely for habitat destruction to occur.
- Properly resource recovery efforts to achieve recovery goals while ensuring economic development activities respect scientifically determined tolerance limits for habitat disturbance of species.
- Properly resource stewardship programs to help landowners and other stewards help species.
- Remove exemptions that allow forestry, mining etc. to operate without meeting the requirements (purposes/prohibitions) of the ESA aimed at species/habitat protection and recovery.
- Restore public accountability and reporting on species status and recovery progress.



Protected Areas

Ontario is responsible for globally important habitats, such as the vast and intact boreal region, as well as some of the most endangered habitats in all of Canada in the southern part of the province. Despite Canada’s stated commitment to protecting 30% of lands and waters by 2030, Ontario has made little progress toward protecting our remaining natural areas in recent years. The Hudson Bay Lowlands is a globally important storehouse for carbon while the province’s south contains some its rarest habitats. Funding for our precious parks and conservation reserves across Ontario has been shrinking, threatening the long-term viability of the system. It’s time to re-invest in nature, increase ambition for nature protection and do a better job of stewarding these globally and nationally important areas to meet our international commitments. Ontario must immediately increase efforts to reach Canada’s 30% protection target, including supporting Indigenous-led conservation.

- Commit to a 30% protection target by 2030 with an interim target of achieving Canada’s 25% target by 2025, including working with First Nations to establish and recognize Indigenous-led conservation efforts.



- Work with Indigenous Peoples and the federal government to support efforts to establish National Marine Conservation Areas in Hudson and James Bays, and in the Great Lakes.
- Increase the investment in research and monitoring of ecological integrity to ensure our parks system is meeting its ecological objectives in addition to visitor objectives and will be there for our grandkids.
- Stop wetland destruction in Southern Ontario, where natural wetlands have been decimated, and in the north, where peatlands represent vast storehouses of carbon that should not be disturbed.
- Stop all sales of parkland (e.g., selling formerly leased cottage lots) and end logging in Algonquin Park.

Conservation Authorities

The “whole watershed” planning approach at the heart of Ontario’s Conservation Authority (CA) system is a model that should be expanded, not contracted. By focusing on the health of entire watersheds, CAs bring a valuable perspective to planning issues while also doing a much better job of ensuring natural systems remain healthy and intact. Land management and water management are inextricably linked and need to have investment. CAs are on-the-ground partners for many provincial programs and are an important bulwark in an otherwise fragmented planning system that is often more concerned with short-term benefits than long-term consequences. It is alarming that CAs are now being legally required to issue permits for development within a Ministers Zoning Order area regardless of whether it meets regulations, policy, provincial or CA guidance or professional standards. We need to restore the full authority and capacity of CAs to make decisions and take action that are in the best interest of watershed health and the health of people who live within them.



- Repeal all Schedule 6 of Bill 229 changes to the *Conservation Authorities Act* and *Planning Act* and revoke without compensation all permits issued under duress using the new Schedule 6 mechanisms:
 - Confirm commitment to allow Conservation Authorities to regulate development and interference in accordance with the traditional “five tests” in the Watershed Development Regulations.
 - Confirm commitment to the existing physical and geographical jurisdiction of Conservation Authorities over wetlands, watercourses, pollution and conservation of land where these are broader than *Planning Act* jurisdiction.
- Provide stable provincial funding mechanisms for Conservation Authorities sufficient for them to fulfill their full mandates, including water and erosion control, invasive species management and forestry. At a minimum, reverse the 50% funding cut to CAs that occurred in April 2019. Ensure CAs are not dependent on private donations or donations from regulated entities.
- Ensure that CA boards have access to expertise and that Board composition includes expert decision-makers.
- Provide public access to CA permitting documentation and procedures and allow for public rights of appeal for CA permits.
- Confirm the role of Conservation Authorities in integrated watershed management.
- Expand Conservation Authority regulatory jurisdiction over agriculture, drainage, aggregates, provincial infrastructure and other areas. Enact a clause indicating that the *Conservation Authorities Act* binds the Crown.



Get serious about meeting critical climate targets

As the Auditor General has reported, there is little chance Ontario will achieve its climate targets with current policies. We have only a handful of years left to avoid the worst impacts of an already changing climate by sharply reining in emissions and transitioning to more sustainable approaches in everything from transportation to buildings. The costs of failing to act in the small remaining window we have will be severe – more intense storms, floods, rising average temperatures and heat waves, and new diseases.

- Strengthen emission targets to ensure annual provincial greenhouse gas emissions do not exceed 82.3 megatonnes (60 percent below 2005 levels) by 2030 and that the province achieves net zero emissions by 2050. These targets should be backed by a credible plan and a legislated accountability mechanism, including annual progress reporting.
- Ensure climate equity by addressing the disproportionate impact of both climate change and mitigation policies like carbon pricing on vulnerable communities, including ensuring supports for low-income communities for dealing with any increase in energy costs. Also target vulnerable communities for improvements to active transportation infrastructure, green space and tree cover, and transit improvements.
- Phase out gas-fired electricity generation by 2030 and resume development of cost-effective solar and wind projects while also making a deal with Quebec to import low-cost waterpower. Also ensure we achieve all cost-effective gas and electricity efficiency savings by creating a single body to oversee ambitious efficiency efforts.
- Allow residential and small commercial renewable energy systems to earn credits for surplus power put into the grid and do not limit system capacity to on-site consumption.
- Update the building code with stricter energy efficiency standards that are at least in line with federal model net-zero code and develop innovative large-scale financing programs to help homeowners and businesses cover the costs of retrofits and adoption of new technology (e.g., heat pumps). Also reinstate building code requirements for the installation of EV charging supply equipment in new homes and in not less than 20% of parking spaces in new buildings alongside design for future expansion of EV charging equipment.
- Base transit funding decisions on expert assessment of demand and climate impacts instead of on political interests.
- Follow the lead of BC and Quebec in adopting a Zero Emission Vehicle standard.
- Ensure Ontario has a fair, equitable and effective system for pricing carbon pollution.
- Keeping warming below 1.5 degrees will be much more challenging without adequately safeguarding the land sink (e.g., forests, peatlands, soils) that absorbs a large proportion of atmospheric carbon every year. Protection of natural sinks must extend beyond protected areas and a priority should be placed on protecting carbon-rich areas, such as peatlands and wetlands, to ensure they do not become sources instead of sinks.



Create healthy sustainable communities by adopting smart planning approaches instead of sprawl

We now have a much better understanding of the true costs of sprawl-based residential and commercial development, from climate impacts and the destruction of essential habitat and farmland to commuter stress and public health. While far from perfect, Ontario had started down a path towards accommodating population growth within existing built-up areas, and building or retrofitting communities with walkable streets, good transit and local employment opportunities. Now these gains are being reversed through a developer-driven pro-sprawl agenda. We need to get back to building green communities and accommodating population growth in ways that make sense for both our environment and people.

- Drop inflated population growth targets for outlying Greater Golden Horseshoe Area municipalities, and policies requiring them to facilitate lower-density housing, both of which push them to swallow up large swathes of precious farmland and damage natural heritage features and put surface and groundwater at risk from excessive pollution.
- Require that all population growth be accommodated within land that is already built up or included within existing settlement area boundaries, using infill to drive improvements in transit, walking and cycling infrastructure, availability of affordable housing, and a diversity of uses that benefit existing neighborhoods.
- Develop better methods for allocating lands for growth, including performance targets for protecting farmlands and natural areas and increasing modal share for transit and active transportation.
- Require that before permitting any settlement area boundary expansions existing neighborhoods and areas already designated for development achieve active transportation modal share targets that make active transportation the primary way of getting around, as well as densities and use mixes that support those targets.
- Restore reasonable supports for public involvement in LPAT appeals to ensure the tribunal is not just a venue for deep-pocketed developers.
- Restore protections for employment lands by requiring proper assessments before conversion to residential uses.
- Extend “inclusionary zoning” (e.g., requirements for inclusion of affordable housing) beyond transit corridors, and adjust the definition of affordable housing to ensure there are actually homes for people of all income levels in every new and existing neighborhood.
- Amend the *Planning Act* so that the use of MZOs is restricted. All zoning should have to conform to higher-tier planning rules such as the Provincial Policy Statement and Official Plans. MZOs should be restricted to areas lacking planning controls and to matters of provincial interest. The public and First Nations should receive notice and have an opportunity to comment on proposed MZOs and a right to appeal them once they are issued.

- Require that any MZOs that are issued are consistent with the Provincial Policy Statement, 2020, Growth Plan for the Greater Golden Horseshoe, and s. 24, s. 2, s. 3 of the *Planning Act* as well as the relevant municipal official plans.
- Expand the GTA Greenbelt to include much of the agricultural land, provincially significant wetlands and other features of ecological significance in the area between the current settlement areas of Greater Golden Horseshoe Area municipalities and existing Greenbelt boundaries.
- Stop wasting money on mega highways (e.g., 413 and Holland Marsh Highway) that will worsen climate change and destroy natural areas without solving congestion issues and invest in complete communities and transit instead. In particular, strengthen GTA Greenbelt protections to prohibit creation of new highways or major roads outside existing settlement areas in the Greenbelt.
- Enact a moratorium on the development of new gravel pits and quarries which can damage natural areas, affect local water supplies and create noise and disturbance problems in communities. Ontario's 6000+ licenced pits and quarries have enough aggregate to meet the province's needs while a new more sustainable aggregate strategy is developed. We should also recognize how developing sprawl-inducing highways also drives up demand for more aggregates, directly and indirectly.





Advance green infrastructure for a resilient recovery

Green infrastructure (GI), sometimes referred to as natural infrastructure, is essential to building healthy and resilient communities and is a key element of a low-carbon future. GI provides multiple benefits and is adaptable to a variety of conditions and scales. Examples of GI projects are stormwater management (low impact development, bioswales, rain gardens, etc), urban forestry (including street trees, private trees and urban forests), green roofs, parks, greenspace and natural heritage systems. In a recently published Economic Impact Assessment of the Green Infrastructure Sector in Ontario, the current impact of the sector was assessed at \$8.3 billion in GDP and 122,000 jobs. This assessment showed that the sector will grow by 22% under a business-as-usual scenario, but with a shift of just 15% of infrastructure spending to green infrastructure and favorable policy support, growth in the sector could jump to 73%.



The COVID-19-19 crisis has also exposed the need for increased investment in parks, a finding that is backed up in the *State of Large Parks in Ontario's Golden Horseshoe* report, which demonstrated the need for investment in order for access to large parks and conservation areas to keep pace with growth as envisioned in the Growth Plan.

- 15% of all infrastructure spending should be dedicated to green infrastructure.
- Establish a dedicated green infrastructure fund to allow for planning, delivery, and ongoing management of projects (storm water management, parks infrastructure, natural heritage systems protection, invasive species detection and management, forest management, habitat enhancement and creation).
- Develop a Green Infrastructure Support Hub to provide municipalities and practitioners with access to knowledge, technical experts, resources and training to facilitate capacity building, rapid uptake and effective installations.



Ontario is an enviable position when it comes to having ready access to copious amounts of fresh water. But we must not take this advantage for granted. We need to protect the sources of our water from contamination and over-exploitation and ensure all Ontarians, particularly Indigenous communities, have access to safe drinking water.

- Develop an inter-ministerial approach to water protection and conservation in Ontario so responsibility is not siloed in one ministry and impacts are considered by all.
- Extend drinking water source protection to left-out communities and to certain non-municipal drinking water systems.
- Develop and implement a lead service line elimination program in Ontario; upgrade the lead drinking water standard to be consistent with federal guidelines.
- Finish the review of the water-taking regime and act on conclusions.
- Develop more stringent drinking water standards for tritium.
- Develop a Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health that is based on cooperation, collaboration, transparency and accountability for achieving clear water-related goals and targets.
- Work with Indigenous communities to recognize their role in water governance and reflect that in provincial water legislation and decision making.
- Increase investment for critical water infrastructure upgrades and maintenance for communities that are in need.
- Commit to targets for reducing plastics entering the Great Lakes.
- Commit to increased funding for the implementation of Lakewide Action Management Plans with a focus on increasing engagement and participation via citizen forums.
- Increase funding for the restoration of Areas of Concern.
- Despite a commitment to cut Lake Simcoe's phosphorous pollution to 44 tonnes per year, the amount of phosphorous pollution reaching the lake has actually increased by 75% since 2009. Implement a plan and a budget for meeting the 44 tonne reduction target by 2030.
- Safeguard some of the world's last remaining intact watersheds in the far north by ensuring comprehensive protection plans based on best available science and Traditional Ecological Knowledge.



Look before we leap by embracing farsighted planning processes

The Environmental Assessment process grew out of a recognition that it was better to understand, plan for, and avoid or mitigate the impacts of new developments on the environment before projects got underway. It is a common-sense principle that unfortunately has too often been portrayed as “red tape” rather an opportunity to make well-informed decisions. Ontario’s EA system has been further weakened and will now only apply to a small subset of mostly public-sector projects. Knowing what we know about the costs of climate disruption, deteriorating ecosystem health and contaminants, we owe it ourselves to re-envision the EA system as a comprehensive and farsighted tool in our environmental planning toolbox.

Similarly, the province’s abandonment of long-term energy planning also leaves it with no roadmap for how to deal with coming disruptive changes, such as a major shift to electrification, the technological push toward more decentralized grids, opportunities for inter-provincial cooperation, and the rocketing rise in use of renewable energy worldwide.

Environmental Assessment

- Restore automatic application to public-sector projects (including provincial plans and policies) and expand application to private sector projects that will have legacy environmental impacts.
- Put a greater emphasis on regional, strategic, and comprehensive assessments that can better address the cumulative effects of projects on broader landscapes, ecosystems and health.
- Participate in the federal Regional Assessment for the Ring of Fire and cease undertaking a piecemeal or project-splitting approach to the project assessments currently underway. Additionally, complete an assessment of cumulative impacts, based on both scientific knowledge and Indigenous Knowledge before authorizing prospecting, exploration, and development activities.
- Give much stronger attention to project alternatives and need in assessments and eliminate the Minister’s ability to approve EA terms of reference that exclude such matters.
- Apply to all natural-resource projects, including mining and smelters.
- Ensure all assessments address climate impacts and mitigation (i.e. GHG emission reductions).



- Restore and improve planning requirements for activities heretofore covered by Class EAs, including restoration of bump-up requests on environmental grounds.
- Strengthen public and Indigenous consultation requirements, including restoration of intervenor funding.
- Restore restore and rebuild environmental assessment coverage for timber management on Crown lands with meaningful conditions, enforcement, and bump-up provisions, and assess 21st sustainability changes (climate, loss of productive forests, endangered species).
- Require meaningful inclusion of Indigenous communities and Indigenous governance and opportunities for collaboration within provincial EAs.

Energy Planning

- Re-establish long-term energy planning with public input and apply EA to electricity projects.
- Expand Ontario's low-income energy strategy to include all low-income people regardless of which fuel-type they depend on and provide equitable access to renewable energy across the province.
- Establish aggressive conservation targets and establish a single agency or designate a single authority to oversee both natural gas and electricity efficiency efforts.
- End public support, including through Crown agencies, for any new nuclear projects or technology given high financial and safety risks and lack of solutions for storing dangerous radioactive waste.



Far north and Indigenous communities

- Support the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and Bill 76, *United Nations Declaration on the Rights of Indigenous Peoples Act, 2019* in Ontario.
- Ensure land-use planning is linked to Impact Assessment and support Indigenous-led approaches to planning and protection across Treaty No. 9.
- Provide First Nation communities with support, capacity funding, and flexibility in timelines in order to consider cumulative effects at multiple scales as they engage with government and proponents on industrial development, particularly for communities living near and downstream of the Ring of Fire.
- Proactively consider development-induced change, particularly from mineral exploration and mining, by conducting regional and cumulative assessments rooted in scientific and Indigenous Knowledge.
- Fund sustainable approaches to community energy and water needs, such as renewable energy development, and provide resources for communities to maintain them.
- Safeguard the Hudson Bay-James Bay Lowland, the world's third largest wetland and richest peatland complex. A deliberate strategy is required to keep its natural carbon stores undisturbed, its wildlife populations healthy,

Environmental Bill of Rights

- Restore the independent office of the ECO and the oversight of the OEBR.
- Recognize the substantive right of all Ontarians to a Healthy Environment and to keeping its ecosystems, including its watersheds, fully functional and intact.



Ontario needs to move away from a wasteful and polluting linear economy that takes resources, processes them into short-lived products, and then wastes them by burning these resources or burying them in a landfill. Ontario's commitment to robust Extended Producer Responsibility is an opportunity to end the current off-loading of costs and environmental damage onto residents and communities. We need to build a fully accountable and transparent system that holds producers responsible for ensuring that materials are reduced, reused and recycled to the highest and best use, creating a regenerative circular economy.

Extended Producer Responsibility

- Ensure all EPR regulations include robust annual public reporting and real penalties for lack of compliance in all material classes (i.e. tires, e-waste, hazardous waste, packaging, printed paper, etc.).
- Ensure all EPR regulations include waste and materials generated outside the home - at workplaces and schools and in public places (the Industrial, Commercial and Institutional sector) as this sector is responsible for the majority of waste in Ontario.
- Prohibit producers and retailers from charging eco-fees on products.

Blue Box Program and packaging

- Set high recycling and management targets for all printed paper and packaging (Blue Box) materials, with a minimum target of 85% for all plastics by 2030.
- Create a deposit-return system for all beverage containers.

General

- Ban the disposal of food and organic waste in landfill or incinerator and support a robust organics management sector that recycles nutrients into healthy soils.
- Phase out and ban all forms of thermal treatment (e.g. 'energy-from-waste', 'pyrolysis', 'gasification' and waste to fuel) in designated facilities or as alternative fuels.



**Keep toxics out of
our environment
and our bodies**

We have learned that it is impossible to contain toxics and pollutants – from micro plastics to mercury – once they are released into the environment. However, certain communities bear a particularly high burden of toxics and pollutants and these are often low income, racialized areas. We need to turn action on toxics and pollutants into an opportunity for innovation to eliminate these substances at source. We also need to pay much more attention to the cumulative and combined effects of toxic and polluting substances and stop looking at this problem in silos. No community should be asked to absorb toxic air or water.

Meanwhile, allowing indiscriminate use of pesticides that harm pollinators is bad for our food supply, bad for our communities, bad for farmers and fundamentally unnecessary.

Toxics

- Require full disclosure of product ingredients, including fragrances in cosmetics and personal care products, and flame retardants in furniture.
- Apply national building code provisions for radon provincewide.
- Address toxic substances and additives that are in plastic materials covered under the blue box program to ensure that materials sent for recycling do not include toxic substances and additives and thereby avoid toxics ending up in new products made of recycled materials.
- Commit to an action plan on PFAS that would ban the sale, manufacture, import and distribution of PFAS in food packaging; prohibit the use of PFAS firefighting foam; and adopt strong PFAS drinking-water guidelines in line with the most protective standards in the U.S. and elsewhere.
- Clean up the mercury-poisoned watersheds that Grassy Narrows and White Dog First Nations depend upon.



Air

- Establish a plan and strong timelines for adoption of a strategy to reduce exposure to air toxics in hotspot communities.
- Update outdated air quality standards (e.g. NO_x). Set standards for pollutants that do not have a standard (e.g. PM_{2.5})
- Develop a targeted approach to regulation of air pollution with the aim of reducing emissions of harmful pollution and GHGs.
- Adopt a comprehensive cumulative effects framework for issuing environmental compliance approvals (ECAs), site specific and technical standards
- Develop a targeted approach to regulation of air pollution with the aim of reducing emissions of harmful pollution and GHGs.
- Increase real time air monitoring across the province prioritizing communities with higher levels of air pollution.
- Ensure industry technical standards are set a best available control technology level or better (close the gap with the U.S.).
- Require environmental justice mapping and data collection including cumulative impacts. Create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities — places with the most significant exposure to such pollution.



Pesticides

- Restore the pesticides classification system and the pesticides advisory committee.
- End the outdoor use of neonics and enhance restrictions to include other pesticides that also impact pollinators.
- Require regular pesticide safety retraining of indoor pesticide applicators.



[GreenProsperity.ca](https://greenprosperity.ca) | contact@greenprosperity.ca



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.



ecojustice

