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Dear Mr. Aguda,

RE:013-4208 - Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan

On behalf of Ontario Nature, I would like to thank you for the opportunity to comment on the proposed *Made-in-Ontario Environment Plan* (Environment Plan).

Ontario Nature is a charitable conservation organization that protects wild species and wild spaces through conservation, education and public engagement. Established in 1931, we represent over 30,000 individual members and supporters and over 150 organizations across the province.

We understand that the purpose of the Environment Plan is to address four key environmental challenges: 1) protecting our air, lakes and rivers; 2) addressing climate change; 3) managing waste; and 4) conserving land and greenspace. We agree that in addressing these challenges the Province should use the best available science and evidence-based methods, monitor results and provide strong, transparent enforcement (pp. 6, 8). Investing in these approaches will be critical to successful implementation.

We note with concern that the plan does not identify biodiversity conservation and the protection of species at risk as a key environmental challenge. Globally we are in the throes of a mass extinction unlike any since the disappearance of the dinosaurs 65 million years ago. It has already resulted in global wildlife populations decreasing by 60 percent since the 1970s.¹ In Canada, half of the monitored

¹ World Wildlife Fund, *Living Planet Report*, 2018.
(http://www.wwf.ca/about_us/living_planet_2018/?_ga=2.50441390.688397009.1540822746-1410155172.1521488156)

vertebrate species are in decline.² Though biodiversity conservation is closely linked to other aspects of the Environment Plan, it needs to be identified and treated as a high priority, especially considering the role of MECP in advancing the objectives of the Ontario Biodiversity Strategy and in administering the *Endangered Species Act, 2017* (ESA).

Recommendation 1: Identify biodiversity conservation as a key environmental challenge in the Environment Plan and outline effective approaches to address the challenge.

We fully support the government's commitment to "collaborate with the federal government and participate in international meetings and agreements" to address global environmental issues (p. 7). Of critical importance in this regard are our international commitments under the *Paris Agreement*³ and under the *Convention on Biological Diversity*, including the Aichi biodiversity targets agreed to in 2010.⁴

Recommendation 2: Participate constructively and effectively in national and international efforts to meet our obligations under the *Paris Agreement* and the *Convention on Biological Diversity* (incl. Aichi biodiversity targets).

Below we provide further comments on the strengths and weaknesses of the Environment Plan and offer recommendations for improvement.

1. Protecting our air, lakes and rivers

We agree that our lakes, waterways and groundwater "underpin our province's economic prosperity and wellbeing." (p. 5). We also agree that protecting our air and water requires concerted efforts to address pollution and ensure sustainable use. While we acknowledge that there has been some progress in this regard (p.11), Ontarians continue to face many serious issues. For example, there are dozens of long-term drinking water advisories in place for Indigenous communities across Canada,⁵ many of these in Ontario. Tyendinaga has been under a boiled-water advisory for 10 years.⁶ Similarly, toxic emissions are still a serious threat to communities like Sarnia, Ontario.⁷

² World Wildlife Fund Canada, *Living Planet Report Canada 2017: A national look at wildlife loss*. http://assets.wwf.ca/downloads/WEB_WWF_REPORT_v3.pdf?ga=2.268685170.2043866838.1548686101-1412044690.1548686101

³ United Nations Climate Change, "The Paris Agreement (COP21)." <https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>

⁴ United Nations *Strategic Plan for Biodiversity 2011-2020*. <https://www.cbd.int/sp/targets/>

⁵ "First Nations face dozens of boil water advisories on World Water Day," March 22, 2018. <https://www.ctvnews.ca/canada/first-nations-face-dozens-of-boil-water-advisories-on-world-water-day-1.3855150>

⁶ David Rockne Corrigan, "When will First Nations in southern Ontario get clean drinking water?", TVO, May 4, 2018. <https://www.tvo.org/article/current-affairs/when-will-first-nations-in-southern-ontario-get-clean-drinking-water>

⁷ Chief Investigative Correspondent, Global News, "'It's a disgrace': A year after Ontario promised change, toxic emissions still spilling into Sarnia," November 14, 2018. <https://globalnews.ca/news/4659040/toxic-emissions-spilling-into-sarnia-year-after-ontario-promised-change/>

To safeguard our air and water, it is vitally important that the government provide and uphold clear provincial direction through laws and policies. Bill 66, for instance, has caused significant concern among agricultural organizations, municipal planners, conservationists and public interest groups. Ontario Nature and others are relieved that the Province has decided to remove Schedule 10 from the bill, as it would have turned back the clock on many years of good planning, community input and strong leadership from governments of all political stripes. More specifically it would have allowed municipalities to circumvent laws and policies designed to address significant threats to municipal drinking water, to protect significant natural features and wildlife habitat, and to protect the watersheds of the Great Lakes and St. Lawrence River. It was fundamentally inconsistent with the stated objectives of the Environment Plan.

Nevertheless, the Province has yet to remove Schedule 5 from Bill 66, which if passed would repeal the *Toxics Reduction Act*. Schedule 5 is likewise inconsistent with the objective of protecting our air and water. Despite the MECP's argument that repealing the *Toxic Reductions Act* eliminates duplicative regulatory requirements under federal law, the Canadian Environmental Law Association contends that Ontario has "previously identified many toxic substances in Ontario not covered by federal requirements that if they are still present in the province could benefit from application of the TRA."⁸

Our provincial laws and policies establish a fair and coherent rule set and system of governance that uphold the provincial interest in clean air and water. Ontarians do not want another disaster like Walkerton, when over 2,000 people fell ill and seven died as a result of a failure to safeguard the local water system. Environmental deregulation, budget cuts and staffing reductions were all identified as major contributing factors in that tragedy.

Recommendation 3: Remove Schedule 5 from Bill 66. Do not repeal the *Toxics Reduction Act*.

Recommendation 4: Ensure that provincial laws and policies designed to protect our air and water are upheld in ongoing/upcoming reviews of or amendments to the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the *Planning Act*.

2. Addressing climate change

We fundamentally disagree with the government's framing of climate action in this Environment Plan. To suggest that Ontario's GHG emissions reductions to date have come at too much cost (p. 7), that cap-and-trade or carbon tax programs "seek to punish people," (p. 3) and that we need only "do our share" (p. 21) is to ignore the enormity and urgency of the problems we are facing as a result of climate change. According to the new report of the World Economic Forum, the world is "sleepwalking into a catastrophe:"

The year 2018 was another one of storms, fires and floods. Of all risks, it is in relation to the environment that the world is most clearly sleepwalking into catastrophe. The Intergovernmental

⁸ Canadian Environmental Law Association, ERO submission on Schedule 5 of bill 66, January 18, 2019. <http://www.cela.ca/sites/cela.ca/files/1235-CELASubmissionsOnBill%2066%2CSchedule5.pdf>

Panel on Climate Change (IPCC) bluntly said in October 2018 that we have at most 12 years to make the drastic and unprecedented changes needed to prevent average global temperatures from rising beyond the Paris Agreement’s 1.5°C target.⁹

The World Economic Forum report emphasized the relationship between climate change impacts, such as severe weather events, and the failure of government climate action.¹⁰ The government’s response, as outlined in the Environment Plan, exemplifies this shortcoming. It is woefully inadequate. To propose a weaker 2030 GHG emissions reduction target is simply unconscionable, given the IPCC’s latest report.

There is no solid evidence provided to support the MECP’s optimistic predictions that the actions proposed in the Environment Plan will result in Ontario meeting its *Paris Agreement* GHG emissions reduction target by 2030. The diagrams on page 23 and 24 are wishful thinking at best, if not misleading rhetoric. Though MECP intends to “ensure polluters pay their fair share for their greenhouse gas emissions” it contemplates at the same time granting “cross-the-board exemptions for industries of particular concern, like the auto sector.” (p. 25). This plan does not bode well in terms of fairness, certainty and consistency.

In its December 2018 report, *A Competitive Transition: How smarter climate policy can help Canada lead the way to a low carbon economy*, the Canadian Chamber of Commerce confirmed its support for carbon pricing. The Chamber regards carbon pricing as “the only cost-effective way to reduce carbon emissions in Canada.” It believes that “when done right, carbon pricing can equip businesses for the transition to a lower-carbon economy and reduce the overall regulatory burden.”¹¹

Recommendation 5: Restore Ontario’s previous 2030 GHG reduction target (37% below 1990 levels), which is fully achievable without compromising Ontario’s economic growth.

Recommendation 6: Add to the Environment Plan the IPCC-recommended goal of net-zero emissions by 2050. A long-term target is key to making responsible decisions in the meantime.

Recommendation 7: Develop a coherent set of implementation strategies and mechanisms commensurate with the threat and urgency of the climate crisis. This should include carbon pricing.

3. Reducing litter and waste in our communities & keeping our land and soil clean

We agree about the importance of reducing the amount of waste that ends up in landfills. Though the Blue Box Program has enjoyed widespread success, it is important to remember, however, that recycling

⁹ World Economic Forum, *The Global Risks Report 2019*, p. 15.

¹⁰ Alastair Spriggs, “World Economic Forum report notes climate change as key threat,” *Globe and Mail*, January 18, 2019.

¹¹ Phil Taylor – Canadian Chamber of Commerce, “Statement on Carbon Pricing,” 17/12/2018.

http://www.chamber.ca/media/news-releases/20181217_statement_on_carbon_pricing/

by individual consumers, is for the most part a “down-stream” solution that fails to address the fact that most waste is produced upstream by product manufacturers. We therefore support the plan to make producers responsible for the waste generated from their products and packaging and to move towards a producer responsibility model of waste diversion (p.40). More details should be provided on how such a model would be implemented, including the drivers for industry participation/compliance.

We note with concern that 83 percent of so-called “business waste” from food processing, manufacturing, public institutions, retail sites, offices and schools ends up in landfills (p. 40). The Environment Plan does not include strategies to address this problem.

Recommendation 8: Proceed with plans to implement a producer responsibility model of waste diversion.

Recommendation 9: Develop and implement strategies to reduce and recycle business waste so that it does not end up in landfills, including targets and requirements subject to enforcement.

4. Conserving land and greenspace

We agree that natural areas “purify our air and water, protect biodiversity and natural heritage, provide recreational opportunities and support Indigenous cultural practices.” We also agree that “conservation of these areas can play an important role in mitigating and adapting to climate change” (p. 46).

Recognizing the importance of conserving such areas, a prime focus of this section of the Environment Plan should be the establishment of new protected areas (which would also contribute to MECP’s first and second priorities, i.e., protecting our air, lakes and rivers and addressing climate change). Protected areas are the cornerstone for biodiversity conservation as they directly address the primary driver of biodiversity decline which is habitat loss and degradation.

As noted in the ERO posting, the conservation of natural areas “can play an important role in mitigating and adapting to climate change.” Approximately 30 percent of atmospheric CO² is the result of land use change, deforestation and forest degradation. A 2017 peer-reviewed study by Griscom et al. demonstrated that conservation, restoration and improved land management actions that increase carbon storage can provide over one-third of the climate mitigation needed between now and 2030 to stabilize warming to below two degrees Celsius.

Protected areas offer an important means of mitigating and adapting to the impacts of climate change. They sequester carbon; attenuate flooding, droughts and erosion; protect and store water; provide refugia for wildlife; and sustain other ecosystem services that benefit the health and well-being of humans and all life. The Environment Plan should explain the relationship between protected areas and climate adaptation in more detail and specify actions, based on the best available science and Indigenous Traditional Knowledge, to ensure that the protection of natural areas is integrated into climate action plans.

Given the government's commitment to "collaborate with the federal government and participate in international meetings and agreements" to address global environmental issues (p. 7), it is critical that the government confirm its endorsement of the United Nations targets to protect at least 17 percent of our lands and inland waters and 10 percent of our marine areas by 2020, known as Aichi Target 11. Currently less than 11 percent of our lands and waters are protected in Ontario.

Canada has committed to achieving the UN targets, which were subsequently adopted in the Ontario Biodiversity Strategy (target 13). Despite adoption in the provincial strategy, however, the Government of Ontario has yet to publicly commit to achieving these targets at the provincial level.

Ontarians would welcome such a commitment. A 2017 poll found that 87 percent of Canadians (across all regions, age groups and political affiliations) supported protecting at least 17 percent of our lands and waters from industrial development. One hundred and forty organizations in Ontario have signed the Protected Places Declaration calling on governments, civil society and business leaders across Canada to take action to achieve the UN targets.¹²

The declaration also calls for protected areas identification and management processes that respect the right of Indigenous Peoples to free, prior and informed consent. It underlines the relevance and importance of Aichi Target 18 in protected areas initiatives:

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

Recommendation 10: Publicly commit to achieving the UN Aichi targets 11 and 18, to protect at least 17 percent of our lands and inland waters and 10 percent of our marine areas by 2020, and in so doing to fully and effectively engage Indigenous communities.

Recommendation 11: Explain the relationship between protected areas and climate adaptation in more detail. Specify actions, based on the best available science and Indigenous Traditional Knowledge, to ensure that the protection of natural areas is integrated into climate action plans.

As noted in the discussion paper, the last great expansion of Ontario's provincial parks and conservation reserves was through Ontario's Living Legacy in 1999 (p. 47), under the government of Mike Harris. Before that, the largest parks expansion in Ontario (155 new parks) was under the Bill Davis government in 1983. Ontarians are now looking to the current government to build on that legacy. It is in our collective interest to maintain the many ecological, social, cultural, health and economic benefits that

¹² <https://protected-places.good.do/OntarioNature/pages/endorsing-organizations/>

are derived from protected areas, including clean air, clean water, wild foods, genetic resources, nature-based development opportunities, and much more.

We agree that the Government of Ontario should be working with partners to protect and restore natural ecosystems, such as wetlands, and to preserve areas of significant environmental and ecological importance (p. 47). Ontario Nature and dozens of other organizations have identified key sites for protection in Ontario and are working to build community support. Provincial support for protecting these sites is critical. For example, Ontario Nature has compiled information on a very promising opportunity to protect approximately 1 million hectares of Crown land by protecting candidate sites identified through the Forest Stewardship Council (FSC) certification process. In identifying these sites, FSC-certified forestry companies followed rigorous scientific procedures and worked with Indigenous communities, environmental organizations and local stakeholders. Permanently protecting these sites represents an enormous opportunity for a conservation legacy while strengthening Ontario's economy.

As part of its \$500 million Canada Nature Fund, the federal government is now accepting proposals that will lead to the direct establishment of new protected areas, including Indigenous Protected and Conserved Areas. To ensure that some of these federal funds flow to protected areas initiatives in Ontario, the Government of Ontario needs to confirm that it would be willing to protect candidate areas identified on Crown lands (with the free, prior and informed consent of affected First Nations).

The Province should also enhance the policy and incentive framework for land conservation securement (acquisition) by land trusts and conservation authorities. Tax incentives and other financial measures are needed to support and expand ongoing land securement initiatives.

Recommendation 12: Work with the federal government, Indigenous communities, municipalities, conservation organizations, landowners and industry leaders to pursue opportunities for protection on private and public lands.

Recommendation 13: Publicly confirm that in working to meet its international obligations, the Government of Ontario will support the establishment of new protected areas on Crown land, with the free, prior and informed consent of affected First Nations.

Recommendation 14: Initiate a process to permanently protect the sites identified by industry leaders through the FSC-certification process, ensuring the free, prior and informed consent of affected First Nations.

Recommendation 15: Enhance policy and incentives to support land securement initiatives by land trusts and conservation authorities.

We agree that Ontario's parks and greenspaces are vital for healthy outdoor recreation. We note, however, that increasing public access to such places is not just a matter of creating new trails or more opportunities to enjoy existing parks. To ensure that more Ontario families benefit from access to protected areas, the immediate emphasis needs to be on expanding our system of provincial parks and

conservation reserves. At the same time the government needs to invest in managing and upkeeping existing protected areas to maintain and restore ecological integrity.

We note, with considerable concern, that the Province is undertaking several policy initiatives of direct relevance to the key challenge of conserving land and greenspace in Ontario. These include, for example, Bill 66, the provincial housing policy, and the review of the Provincial Policy Statement, the *Planning Act*, the Growth Plan for the Greater Golden Horseshoe and the ESA. In each case, under the guise of streamlining approvals and providing clarity to support economic development, the government is proposing to reduce or eliminate restrictions on development and industrial activity. With regard to the ESA, for example, MECP reiterates criticisms, without any substantiating evidence, that the ESA is “ineffective,” “administratively burdensome,” and “time consuming and costly for applicants” and that it creates “barriers to economic development” and “costly impacts to businesses and the public.”¹³ It puts forward several proposals that would undermine the very cornerstones of the law, specifically its science-based listing process, the automatic protection that it provides for threatened and endangered species and their habitats, and legislated timelines for planning and reporting on progress.

Insofar as the ESA review and the other policy initiatives mentioned above prioritize deregulation over environmental protection, they are fundamentally at odds with the stated goal of the Environment Plan which is to preserve and protect our environment for future generations.

Recommendation 16: Ensure that all government initiatives to review and update land use and environmental policies and legislation are consistent with the overarching goal of preserving and protecting our environment for future generations.

Thank you again for the opportunity to provide comment on the Environment Plan. I trust that our comments and recommendations will be taken into consideration as MECP finalizes the plan. Please let me know if you have any questions about this submission.

Yours truly,



Dr. Anne Bell
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¹³ MECP, 10th Year Review of Ontario's Endangered Species Act: Discussion paper. <https://prod-environmental-registry.s3.amazonaws.com/2019-01/ESA-10thYrReviewDiscussionPaper.pdf>