

TO: Ministry of Municipal Affairs and Housing

SUBJECT: Bill 66 - Restoring Ontario's Competitiveness Act, 2018 (Schedule 10)

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By eliminating the Toxics Reduction Act and allowing for development under Schedule 10 of Bill 66 that ignores important environmental measures, these proposals eliminate the regulations that are meant to protect the very people whom these government claims to be “for”. These regulations are only “red tape” if you ignore the very reasons that they exist, such as the role of the Clean Water Act to protect Ontarians from another tragedy such as the one that once occurred in Walkerton. Aside from the proposal being fundamentally against this government’s claims of being “for the people”, it is poorly defined and short-sighted in nature.

By eliminating the duty to consult the public about development projects and removing the right for appeal, Bill 66 goes against the democratic rights of the people. This attempt to hide decisions that affect “the people” behind closed doors is extremely suspect for a supposedly beneficial bill. Planners know very well why the present-day consultation processes exist, these are not simply “red tape”, but rather, help to ensure that the rights and freedoms of “the people” are met. Would a government that was “for the people” really like to go back to a time when developers were simply able to pave an expressway through a city (think Robert Moses, New York City), and displace everyone in its path due to a lack of public input and consultation? Likely not, yet this what happened in times when the public did not have input in planning processes. If this government is truly “for the people” it is ludicrous to implement a policy that will prevent these very people from having any say as to what happens in their communities.

When it comes to the un-scientific nature taken on by schedule 10 of Bill 66, the City of Waterloo makes an excellent point in their staff report¹ regarding the scientific concept of cumulative effects. The concept of cumulative effects is a relatively simple one, the effects of an environmental loss or degradation are not only felt locally, but also in interconnected environmental components. If a threshold of degradation is surpassed, it is possible that the ecosystem can go past the point of recovery within our lifetimes. An example of this is easily illustrated in the case of Waterloo’s drinking water, the majority of which comes from groundwater and is already under immense pressure, due to a high population in the surrounding region and decreased ability for recharge in a paved landscape. In this instance, decisions made by the adjacent municipalities of Kitchener and Cambridge on open-for-business zoning could have effects on the watershed that could be felt regionally. Although a municipality can decide to opt-out of the open-for-business by-law, they cannot decide to opt-out of the effects that the activities of adjacent municipalities may have.

Another scientific argument against the implementation of Bill 66 exists in the case of wetlands, which protect “the people” through ecosystem services up to and including flood mitigation. The importance of wetlands is internationally recognized by the 170 contracting parties of the Ramsar Convention on Wetlands, of which Canada is a signatory. A great deal of protection for these invaluable features comes in the form of Ontario’s Provincial Policy Statement, if they are deemed significant or are coastal. Policies that will be exempt by Schedule 10 of Bill 66 exist because the scientific, economic, and social importance of features like wetlands is well understood both provincially, nationally, and internationally. Prior to these policies, wetlands were drained at such a rate that only a fraction remain, and we simply cannot afford to lose these under Bill 66. Eliminating the need for development to pay

¹ https://events.waterloo.ca/meetings/Detail/2019-01-14-1400-Special-Council-Meeting/3776f420-cd2a-4181-b42e-a9d100fb5dcf?fbclid=IwAR0h9X-PUvQzungDXnuUfR8_ATWgekRnjnWUoaWsZXu9upzZC8JqDhRu8yk

attention to and conserve these features again goes against what is actually best “for the people”, as one can expect that the increased flooding events that will happen with climate change will be dramatically worsened if we don’t have environmental features like wetlands to mitigate them.

When it comes to the Toxics Reduction Act, the claim that it is redundant and that the same function will be covered by the federal Chemicals Management Plan is simply false. Data shows that for facilities that have indicated an intention to reduce toxics in their toxics management plans, the amounts of toxic substances used, created, or contained in product steadily decreased during the period 2012-2016. However, as compliance with plans under this Act is voluntary, data on reductions as a whole actually show an unchanging trend and even an increase per year in terms of substances related to cancer, and released to air, land, and water². Rather than eliminate it, it is important to improve this act to achieve overall toxics reductions that will protect “the people”, as neither the current program, nor the federal legislation is currently managing to do so.

Overall, removal of the Toxics Reduction Act and the implementation of Schedule 10 of Bill 66 ignores the fundamental democratic rights of the people of Ontario, as well as the planning and scientific research that comes from our universities. These proposals need to be reconsidered in a manner that accounts for the people’s democratic rights and the science that will keep our communities viable in the face of climate change. If this government is truly “for the people”, they will not proceed with these proposals without significant modification that improves beyond the short-sighted nature that they currently hold.

² <http://www.cela.ca/blog/2018-06-27/ontario-red-tape-reduction-trumps-toxics-reduction>