The current provincial government is reviewing the Endangered Species Act (ESA). Based on the content of the review, the Ford government appears to be focused on making it even easier for logging, mining and other industry to destroy the ecosystems that endangered species — and we — need for survival. Species are going extinct faster than ever, but our laws are still having to play catch-up.

When the ESA came into force in 2008 and it was heralded as a “gold standard” and “example for other jurisdictions.” It was intended to be science-based with strong protection for species, but with enough flexibility to be workable. Unfortunately, successive Ontario governments failed to enforce the ESA. The province’s environmental watchdog, the Environmental Commissioner of Ontario, accused the responsible ministry of mismanagement, delaying habitat protection, and “deliberately ignoring public participation” on endangered species. In the ten years since the Endangered Species Act came into effect, the list of species at risk has grown from 183 to 243 species— and there are hundreds of vulnerable animals and plants that haven’t even been listed. Now, rather than fixing these problems and restoring the Endangered Species Act, it looks like Doug Ford is prepared to do the opposite. The ESA discussion paper proposes that politicians, not scientists, could decide whether an endangered species gets protection or not. The importance of having up-to-date laws that reflect today’s environmental realities, modern science, and contemporary values cannot be overstated. Effective legislation serves as the last line of defence for the province’s species at risk.

Effectively protecting species at risk is inherently connected to the larger issue of conserving Ontario’s biodiversity. The Environmental Commissioner of Ontario has repeatedly expressed strong concerns over the failure of the Ontario government both to grasp the severity of this environmental crisis and to understand that it has a direct responsibility to take concrete action. The Environmental Commissioner of Ontario is profoundly concerned about the lack of deliberate, systematic, and coordinated government action to conserve Ontario’s biological diversity. All too often, ministries such as the Ministry of Natural Resources (MNR) and/or Ministry of the Environment, Conservation and Parks (MECP) are forced into a conflicted role, having to advocate for the very resource extraction and utilization undertakings that can jeopardize biodiversity. Instead, their roles should be cast as champions of biodiversity in order to effectively stave off this environmental crisis and to uphold the public interest. Effectively administering the ESA and conserving biodiversity in general requires that the MECP have the necessary capacity and resources to carry out its responsibilities.

The biggest problem with the Endangered Species Act is that it has never been properly enforced. Successive governments ignored deadlines, made minimal efforts, and watered down the rules. The current number of exemptions from the ESA available to commercial forestry on crown lands, development and infrastructure, pits and quarries, hydroelectric generating stations, recreational hunting and fishing and for specific species, compounded by lack of enforcement, totally conflicts with the original and overriding principle of the ESA. Protecting and conserving species by protecting the environment that species require to survive in is paramount.

The current government mentions, "The Ontario government is currently undertaking a review of the Endangered Species Act to improve protections for species at risk, consider modern and innovative approaches to achieve positive outcomes for species at risk, as well as to look for ways to streamline approvals and provide clarity to support economic development." The same ministry cannot be overseeing both goals, "improve protections for species at risk" and "streamline approvals and provide clarity to support economic development". This method hasn't been effective at all. Any serious commitment to "protecting and recovering our province’s species at risk" must have protecting endangered species as the primary goal, must be given the proper budget and resources to achieve the primary goal and cannot be managed by the same ministry and staff. If "protecting and recovering our province’s species at risk" is to happen then resource development, (economic development) must be secondary.

The very same Ministry of the Environment, Conservation and Parks (MECP) that is being proposed as the overseer of "protecting and recovering our province’s species at risk" has proven to be incapable of effectively managing the excess soil industry and the uncontrolled large-scale soil dumping activities taking place in close proximity to areas where endangered species are to be monitored. Large Scale Soil Dumping is an industry very seriously endorsed by the provincial government. This industry involves large scale soil brokers and many municipalities in the affluent GTA or Golden Horseshoe eager to find inexpensive and readily accessible areas to market and pay rural land owners to accept the excess soils. Despite all the rhetoric from lobby groups and the current provincial government of improvements to the management of excess soils the soil source sites to a large degree simply stock pile the soils, find a market for the soils and perform a minuscule amount of testing on the soils. Alternatively, though the most cost effective and direct movement of the soils has likely been accomplished by lining up private trucking operators willing to basically haul anything anywhere for a price. As long as the provincial and municipal governments who are supposed to represent our interests and our environment are engaged in a system where payments are made to landowners to find locations for the excess soil, while at the same time are incapable of applying and enforcing protective measures, then this industry will naturally and inevitably expand. At $100 per truckload to the land owner, which has been reported by one of the truck drivers at one site, and 200 truckloads per day over a 30-day period the landowner pockets $600,000. When municipalities are unable or disinterested in applying or enforcing their Fill Bylaws then there is little or possibly no expense involved on the part of the landowner.

The following is one account of uncontrolled large-scale soil dumping taking place in the municipality of Ramara Township. Noncompliance is the issue. The Ramara Township Fill Bylaw 2012.70, revised in October 2018 to become Ramara Township Bylaw 2018.64, A Bylaw To Prohibit Or Regulate The Placing Or Dumping Of Fill In The Township Of Ramara has not been properly applied or enforced at any of the large scale soil dumping sites. This has allowed uncontrolled large-scale soil dumping of many thousands of cubic metres of soil to take place at each of the sites. Freedom of Information requests were submitted to Ramara Township to determine what level of compliance actually existed for three of the large-scale soil dumping sites. The information received through the Freedom of Information process confirmed that the protective measures of the Ramara Township Fill Bylaw were deliberately circumvented in all three locations. Despite the existence of stop work orders existing for two of the three locations large-scale soil dumping has been allowed to continue unchecked. So far there has never been any actual application and enforcement of the protective measures of the Ramara Township Fill Bylaw, and there hasn’t been any recognizable effort on the part of Ramara Township to believe that this will ever be the case. The following response was received from the Manager of the Barrie District Office of the Ministry of the Environment, Conservation and Parks dated March 19, 2018, "Municipalities and conservation authorities are responsible for fill placement through their related by-laws and permits". This is the same Ministry of the Environment, Conservation and Parks that the current government intends to be responsible for “protecting and recovering our province’s species at risk"? Not likely!