

To: Members of the Legislature of Ontario

From: The Oxford Coalition for Social Justice

Re: Bill 13

Nov. 18, 2021

The Oxford Coalition of Social Justice would like to draw your attention to Bill 13, currently before the Legislature and some of the impacts it will have communities through aggregate extraction, hauling, processing, use and recovery, as well as through reductions in environmental protections and the failure to more broadly protect prime and specialty farmlands needed for Ontario’s food sustainability. These relate to Bill 13’s changes to

* The Planning Act
* The Infrastructure Act
* The Water Opportunities Act
* The Mining Act

along with 17 other Acts.

In the view of Oxford Coalition for Social Justice, these changes have the potential to do harm to communities and Ontario if not carefully described in law and regulated in practice. That the Act does not include the intended regulations means it is difficult to know the full implications of passing it.

In the section related to the Planning Act, Bill #13 would allow for temporary land uses without public notice or meetings. In the aggregate sector, we are aware that ‘interim’ land uses can stretch for decades and make significant impacts of communities. Some might argue that temporary land use and interim land use are one and the same. If so, then aggregate extraction should have a short number of years included in the license, leading to rehabilitation and return of lands to the community. Since currently interim land uses for aggregate extraction are measured in decades, it seems desirable to limit the time under any other temporary use provisions to a matter of days, at most weeks, and to ensure that the temporary use will not have permanent impacts. For example, the use of agricultural lands for temporary uses may reduce fertility and friability, costly losses to Ontario’s food sustainability. Public consultation via notice and meetings are essential. The removal of a community’s or resident’s right to appeal decisions related to land use is worrisome.

The changes to the Infrastructure Act are also potential changes to the consumption of aggregate in the province. The proposed Act includes highways, bridges, bicycle paths, drinking water systems, hospitals, social housing, courthouses, schools, electrical generation and the distribution grid e.g., Hydro One and Ontario Power Generation. The Oxford Coalition for Social Justice recognizes the necessity of using aggregate to maintain these key elements of the built environment. Maintaining the built environment should not be at the expense of the natural environment or communities, in particular prime farmland and water resources. The extraction of aggregate, like strip mining, removes and destroys topsoil, changes surface water flows, and permits the intrusion of above-ground materials into ground water. All changes to the Infrastructure Act need to be subject to scientific study and public consultation. Since Bill #13 is before the Legislature, that consultation may now only take the form of Legislative hearings, which we urge you to extend in time and in spread across the Province. Conversely, the Oxford Coalition for Social Justice does not see a rationale for the spread of new highways across the province due to the negative economic impacts, environmental destruction and disruption of communities. This is why we suggest that maintaining this kind of infrastructure may be necessary but expanding it is not.

Under the Water Opportunities Act, which regulates water, wastewater, stormwater, public and private conservation of water, municipalities are obligated to show water sustainability, to account for risks of water failure and to meet demands for water. The aggregate industry is one of the industries, however, which uses vast quantities of water, pumping groundwater from pits and quarries in a process called dewatering, using water for dust abatement on internal roads and exits, and washing down vehicles. These practices are under permits to take water, which are established by the Province. It is hard to see how municipalities can be held to account for a long-term supply of water when quality and quantity of available water may be affected by provincial decisions out of their control. What is known, though is that the practice of extracting materials from headwaters and water tables is an area of much concern in communities. Unbridled water taking is not appropriate when communities could be seriously affected in the short and middle-term.

The Oxford Coalition for Social Justice applauds the establishment of a corporation to test and develop innovative water technologies and to certify them, with the provision that those standards be very high in light of the implications for human health, be based on science and evidence. The credibility of the corporation entrusted with the testing is reduced, however, by provisions which excuses that corporation from any liability for its actions.

Under the Mining Act there are proposed numerous mechanisms for the sale or transfer to public lands to individuals, companies or government officials. Given that aggregate extraction in vast swaths of Northern Ontario is dealt with differently than on the private lands more common in Southern Ontario, the transfer of ownership of public lands to private ownership, especially without public notice, or a full process, could change the application process for aggregate extraction. That complicates community comment, which is not a desirable outcome. Further, the transfer of property as proposed is not an open and transparent process, meaning that landowners used to being adjacent to Crown Lands could find themselves with industrial processes with their attendant noise, dust, vibration, and other impacts as neighbours.

The Oxford Coalition for Social Justice recommends the following:

1. Public hearings by the Legislature in multiple regions of the province around Bill #13 before it reaches third reading;
2. The removal of sections which limit public consultation and appeal;
3. A clear and quantified definition of temporary and interim land-use;
4. Intervenor funds for community groups wishing to comment on amendments to this bill, posting on the Environmental Registry or in other processes such as Permits To Take Water and Environmental Assessments;
5. Science and evidence-based decision-making using the most rigorous peer-reviewed research in all matters, but especially those most vital to human and environmental health including aggregate extraction.

Sincerely,

Bryan Smith, Chair