

Your Environmental Bill of Rights; a Toolkit for Change



FOCA Webinar
January 28, 2015

Your Environmental Rights

Tools to help you:

- Have your say on environmental decisions
- Ask for new environmental laws, policies
- Ask for enforcement of environmental rules
- Request appeals of approvals
- Connect with the Environmental Commissioner

What's your point of view?

- The *Environmental Bill of Rights (EBR)* is totally new to you
- You have used the Environmental Registry
- You want to change an environmental law or policy
- You've observed an environmental law being broken



The *Environmental Bill of Rights*

Designed to provide:

- Public Participation
- Transparency
- Accountability



Why do we need the *EBR*?

Before the *EBR*:

- Little transparency – ministries could make rules and policies behind closed doors
- No obligation to consult the public (although some would do so)
- No obligation to explain how they made their decision



The *Environmental Bill of Rights*:

- Tools worth using
- Tools have limitations
- Tools + practice = better results



What is under the *EBR* Umbrella?

14 ministries, including:



- Ministry of the Environment and Climate Change
- Ministry of Natural Resources and Forestry
- Ministry of Agriculture, Food and Rural Affairs
- Ministry of Energy
- Ministry of Municipal Affairs and Housing
- Ministry of Northern Development and Mines
- Ministry of Transportation

The *EBR* offers You

Tools that work:

- The Environmental Registry
- Applications for Review and Investigation
- Appeals
- Environmental Commissioner's Office



Having Your Say: The Environmental Registry



Ministry of the
Environment and
Climate Change



A searchable on-line database of government proposals and decisions that affect the environment

The Environmental Registry



Environmental
policy, law or approval



The Environmental Registry



Environmental
policy, law or approval



Proposal :

- Description
- Links to background material
- Contact info
- How to comment



What do you
think?

www.EBR.gov.on.ca

The Environmental Registry



The Environmental Registry



Decision:

- Description
- Links to decision
- Comments submitted online
- Effects of consultation



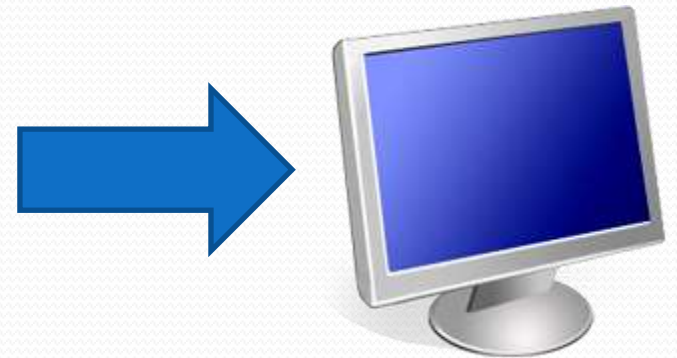
The Environmental Registry

- Shows you what ministries are working on
- Lets you comment before decisions are made
- Shows you the comments of other people
- Shows you how the ministry considered public comments



The Environmental Registry

- A huge historical database
- Over 30,000 proposals (1995-now)



Your Chance to Comment On:

Bald Eagle Management Plan



Your Chance to Comment On:

Bald Eagle Management Plan

- 45 day comment period
- until Feb. 26, 2015
- Registry #012-3283



Your Chance to Comment On:

Phasing out neonicotinoid pesticides



Your Chance to Comment On:

Phasing out neonicotinoids

- 61-day comment period
- Until Jan. 25, 2015
- No decision yet
- Registry #012-3068



Your Chance to Comment On:

Managing Bait for Anglers (012-2836)

Protection for Bald Eagles (012-3283)

Lakes for Lake Trout (012-2922)

Wildfire Management Strategy (012-2148)

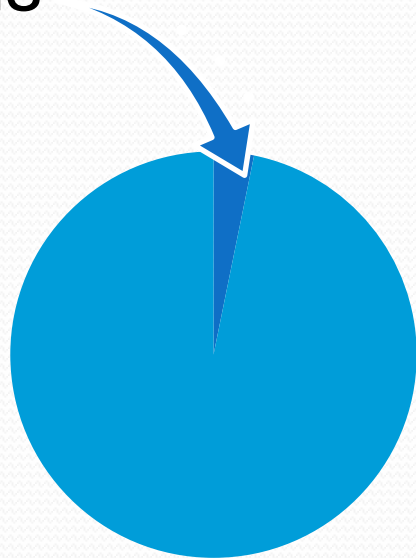
Pulp and Paper Industry Air Quality (011-8107)

Silviculture Policies (012-0913)

The Environmental Registry

In an average year, you will see:

- About 2,500 proposals
- About 80 proposals are for policies, acts and regulations



The Environmental Registry

Do public comments influence decisions?



Registry Comments **DO** Influence Decisions

e.g. **Drinking Water Source Protection Plans:**



Thanks to comments, the ministry:

- clarified provisions
- broadened the scope for source protection plans
- enhanced provisions for consultations with First Nations

the Registry is not perfect:

- Outdated, clunky platform

- Does not show projects covered under the *Environmental*

Assessment Act (s.32

exemption; e.g., see ECO's 2013/2014 Annual Report, p. 138-139)



The Environmental Registry

www.EBR.gov.on.ca





EBR Registry Number:

With the Exact Phrase:

With all the Words:

With at Least One of the Words:

Search

Title | Proponent

Title:

Proponent / Business:

Keywords

All Keywords

Abatement

Brownfields

Environmental Assessment

Ground Water

Mining

Pesticides

Waste

Zoning

Aggregates

Compliance

Fish and Wildlife

Health

Monitoring

Protected Areas

Waste Diversion

Agriculture

Conservation

Forests

Land

Noise

Sewage

Wastewater

Air

Drinking Water

Fuel

Land use planning

Nutrient Management

Standard

Water

Aquifers

Electricity

Greenbelt

Legislation

Parks

Timber Management

Wells

The Environmental Registry

Notice Type:

All Notice Types

- Policy
- Act
- Regulation
- Instrument
- Information

Notice Status:

All Statuses

- Proposal
- Decision
- Exception
- Appeal
- Leave to Appeal
- Third Party Appeal
- Third Party Hearing

Result Filters

Published Date:

In the Last:

Year 

From:

yyyy/mm/dd



To:

yyyy/mm/dd



Result Filters

Published Date:

In the Last:

From:

To:

Your search resulted in 5 page(s), 43 notice(s), [you may refine your search.](#)

[Save Criteria](#)

Add	EBR Registry Number	Ministry Reference Number	Title or Proponent	Type	Published Date
<input type="checkbox"/>	012-3283	MNRF POL 27/14	Development of government response statements for two species of special concern management plans published on September 10, 2014 in accordance with the Endangered Species Act, 2007	Policy Proposal	January 12, 2015
<input type="checkbox"/>	012-1594	2014-ODWQSS	Technical Discussion Paper on Proposed Ontario Drinking Water Quality Standards	Regulation Proposal	December 18, 2014
<input type="checkbox"/>	012-0575	MAM11282013	A proposal for legislative amendments to the Mining Act, continuing the implementation of the Mining Act Modernization process (Mining Act, R.S.O. 1990)	Act Proposal	December 16, 2014
<input type="checkbox"/>	012-1474	MNR POL 10/14	Ontario's White-nose Syndrome Response Plan	Policy Proposal	December 15, 2014
<input type="checkbox"/>	012-2618	APIPD 2014	Amendments to the Greenhouse Gas Emissions Reporting Regulation (O.Reg. 452/09) and Guideline (Regulation O.Reg. 452/09 under Environmental Protection Act, R.S.O. 1990)	Regulation Proposal	December 05, 2014
<input type="checkbox"/>	012-1559	EIB042014	Reducing Coal Use In Energy-Intensive Industries (Environmental Assessment Act, R.S.O. 1990) (Environmental Bill of Rights, 1993) (Environmental Protection Act, R.S.O. 1990)	Regulation Proposal	December 04, 2014
<input type="checkbox"/>	PB06E2025	FSD WA 02/06	Land Use Planning for All Provincial Unregulated Crown Lands and Waters in Wawa District	Policy Proposal	December 04, 2014
<input type="checkbox"/>	012-3087	20141121	Regulatory Amendments to O. Reg. 397/11 Energy Conservation and Demand Management Plans to streamline the reporting process for public agencies under the regulation and improve data quality. (Regulation 397/11 under Green Energy Act, 2009)	Regulation Proposal	November 26, 2014
<input type="checkbox"/>	012-3068	Pollinator	Pollinator Health: A Proposal for Enhancing Pollinator Health and Reducing the Use of Neonicotinoid Pesticides in Ontario	Regulation Proposal	November 25, 2014
<input type="checkbox"/>	012-2922	MNR POL 25/14	Amendments to List of Lakes Designated for Lake Trout Management	Policy Proposal	November 17, 2014

1 2 3 4

Add selected notices into My Watch List

Please select notices and click on add button for each individual page of results.

following species of special

al concern on September 10,

ened or endangered due to a

ent plan. Each GRS provides
response to the associated

been prepared and to seek

Contact:

All comments on this proposal must be directed to:

Terese McIntosh
Policy Analyst
Ministry of Natural Resources
Policy Division
Biodiversity Branch
Biodiversity Policy Section
300 Water Street
Floor
Peterborough Ontario
K9J 8M5
Phone: (705) 755-5662
Fax: (705) 755-2168

To submit a comment online, click the submit button below:

Submit Comment

Environmental Registry Tips

Tips for Searching:

- Choose your time frame: default option is the last year
- Decision notices will allow you to view the proposal stage: just scroll all the way down and click on the “view proposal” link
- Be wary using Keyword and Geographic Location Filters

Tips for Commenting:

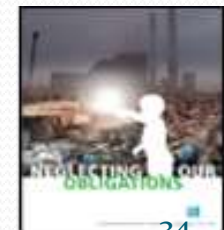
- Include the Registry number
- If commenting on-line, your formatting may be lost
- Keep your comments polite, specific and succinct
- The Environmental Registry is not a petition or vote

What you **LOSE** if you Don't Search the Registry

- You might be left out of the loop on new laws, regulations and policies
- You might be kept in the dark on changes to environmental approvals and permits in your neighbourhood

What you **LOSE** if you don't comment via the Registry

- Your comments won't be part of the permanent public record
- Ministries are not obliged to consider your comments when making a decision
- Ministries are not required to explain how public consultation affected a decision
- The Environmental Commissioner of Ontario won't have access to your comments when reviewing the ministry's decision
 - May not consider and raise your comments in our Annual Reports



The Environmental Registry

Overall, the Environmental Registry is a powerful tool!

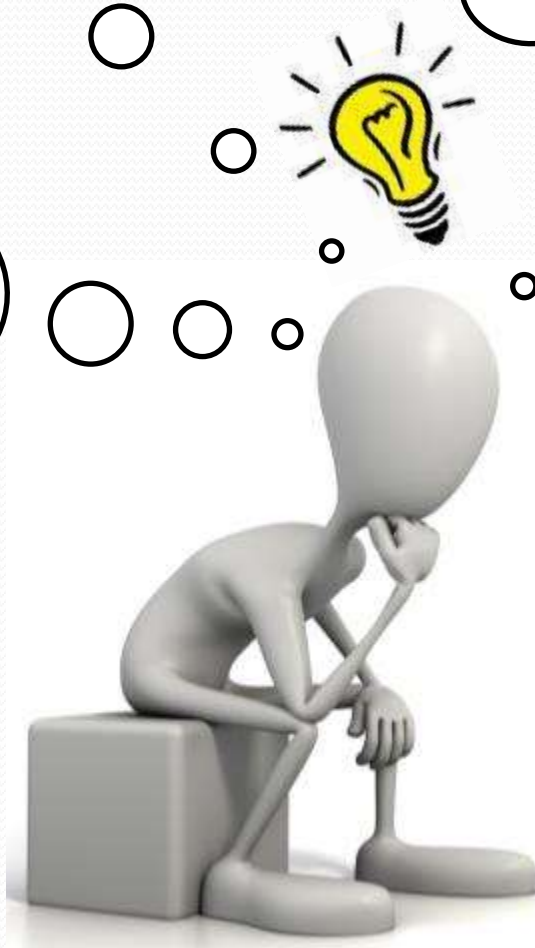


How to Ask for New Environmental Laws or Policies: Applications for Review

That environmental policy isn't working!

There really ought to be an environmental law about that!

That Act needs to be updated to ensure environmental protection!



Applications for Review

- You can request a review of an existing provincial policy, Act, regulation or instrument (e.g., permit)



The *Mining Act*



A Permit to Take Water



Road Salt Exemption

Applications for Review

- You can also request a review of the need for a ***new*** Act, regulation or policy



Protection for the Waterloo
Moraine



Land use planning system
for northern Ontario

CONFIDENTIAL PROCESS

Application for Review - Example



REQUESTED

Review of the *Aggregate Resources Act*



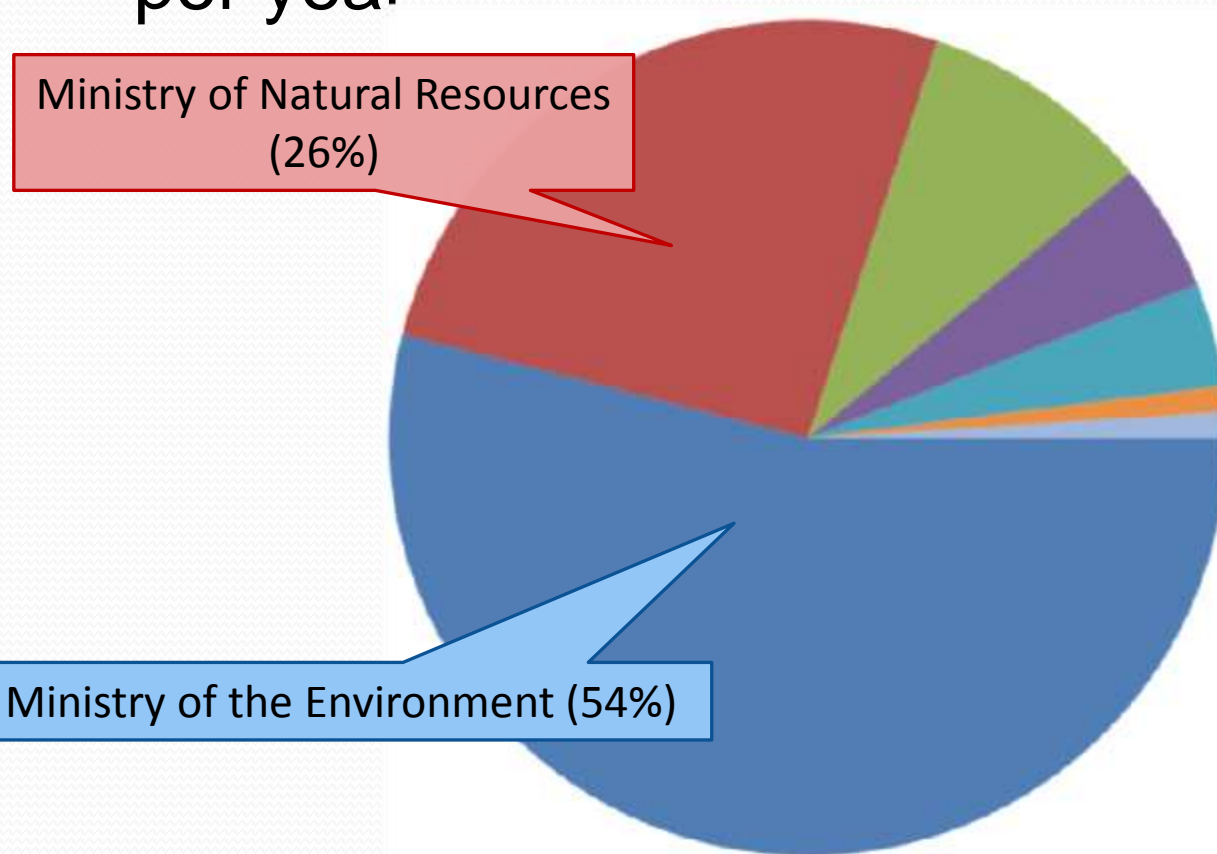
Ministry of Natural
Resources



- New reporting requirements for aggregate operators
- New powers for ministry inspectors
- Expanded the Act's geographic scope
- Increased fees/royalties for operators

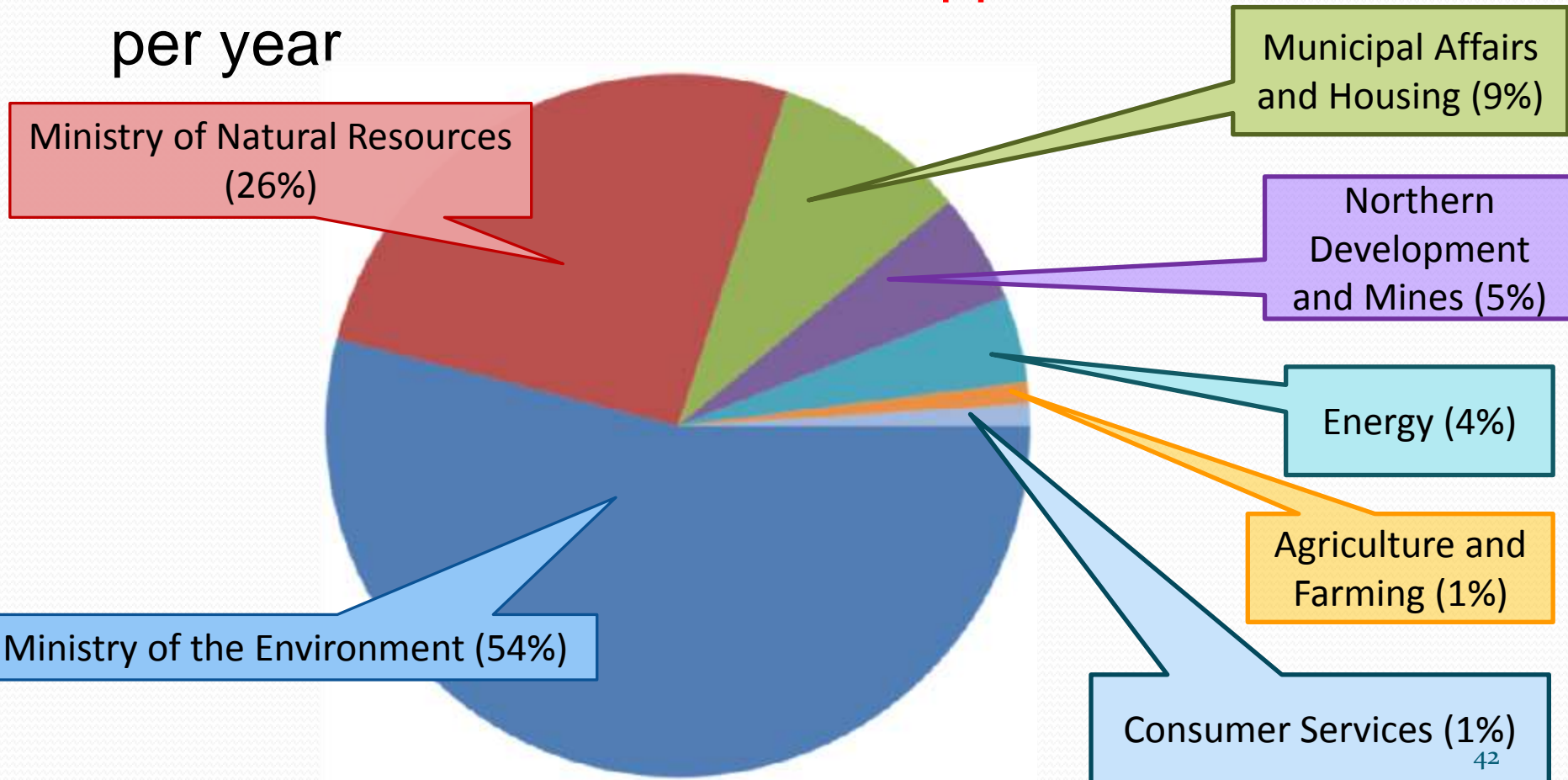
Applications for Review

- The ECO receives about **20 applications** for review per year

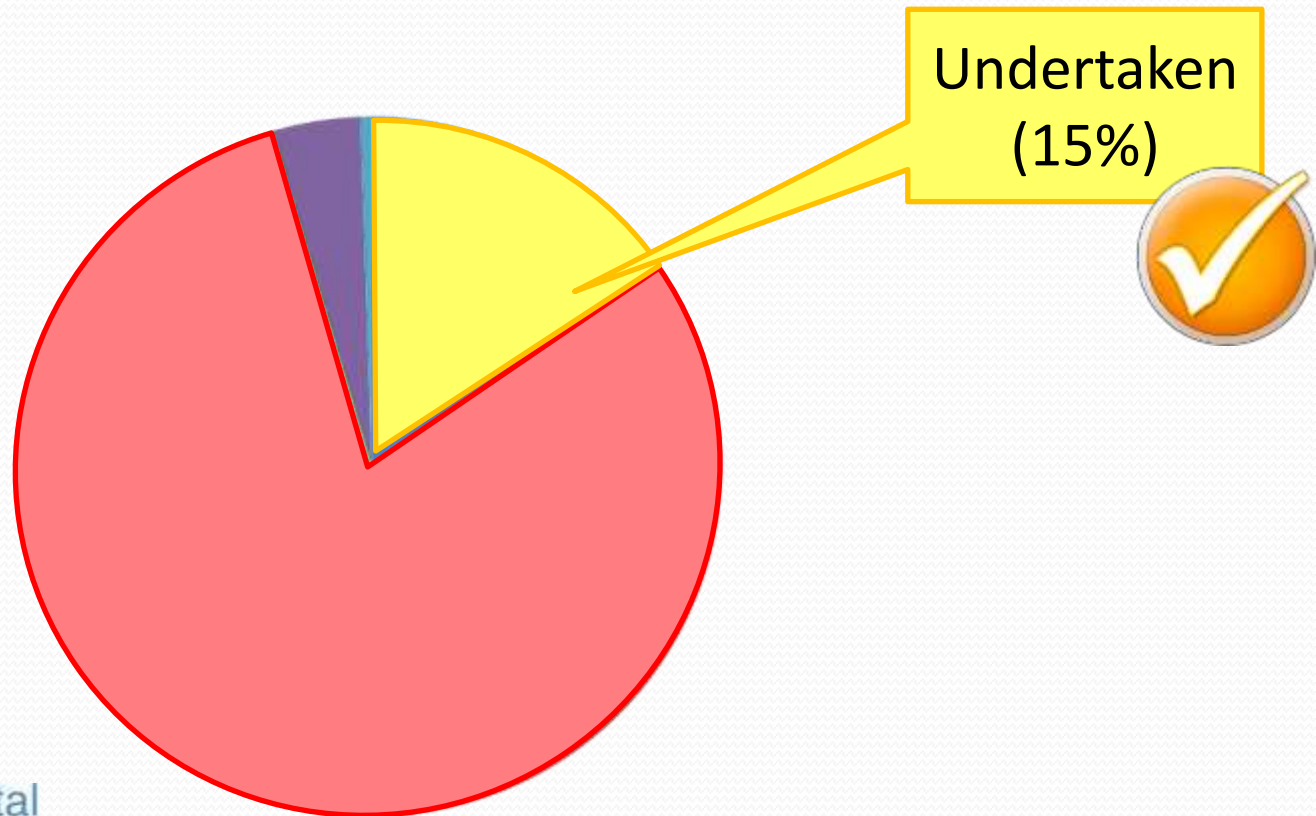


Applications for Review

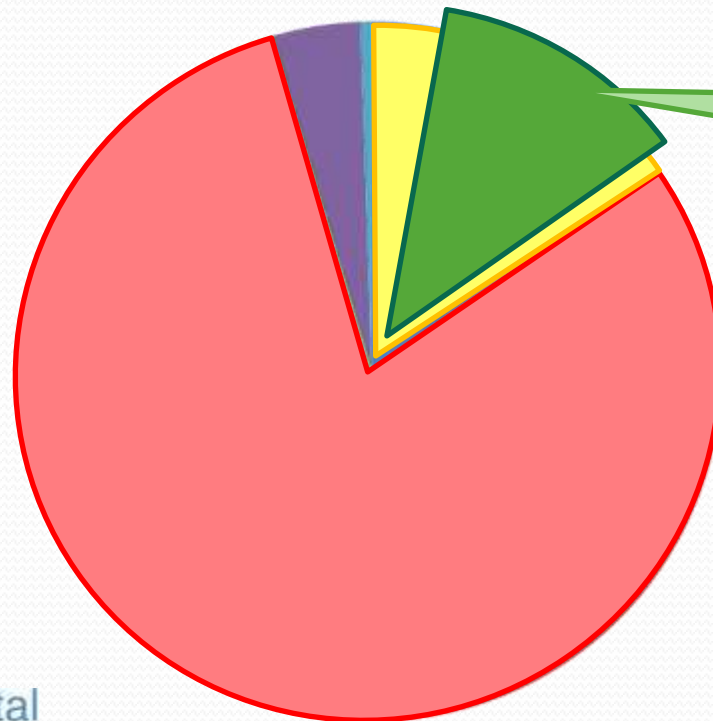
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Applications for Review - Results



Applications for Review - Results



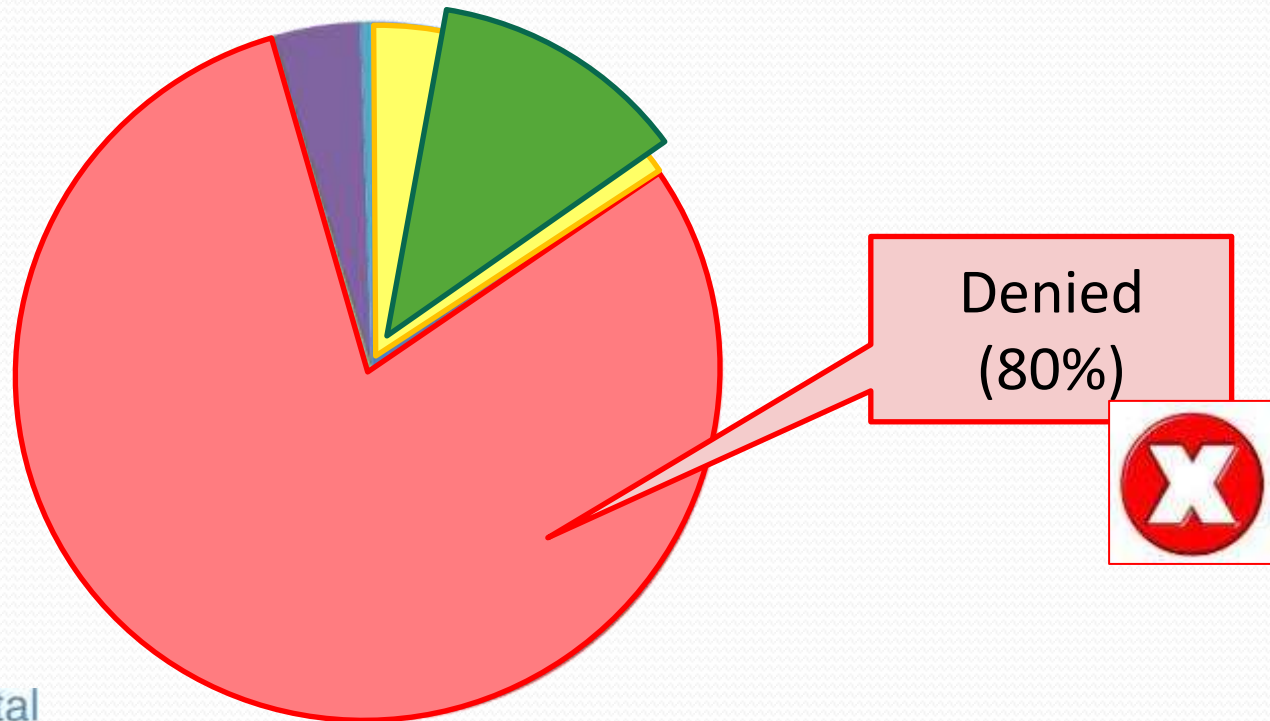
Ministry action
taken (79%)



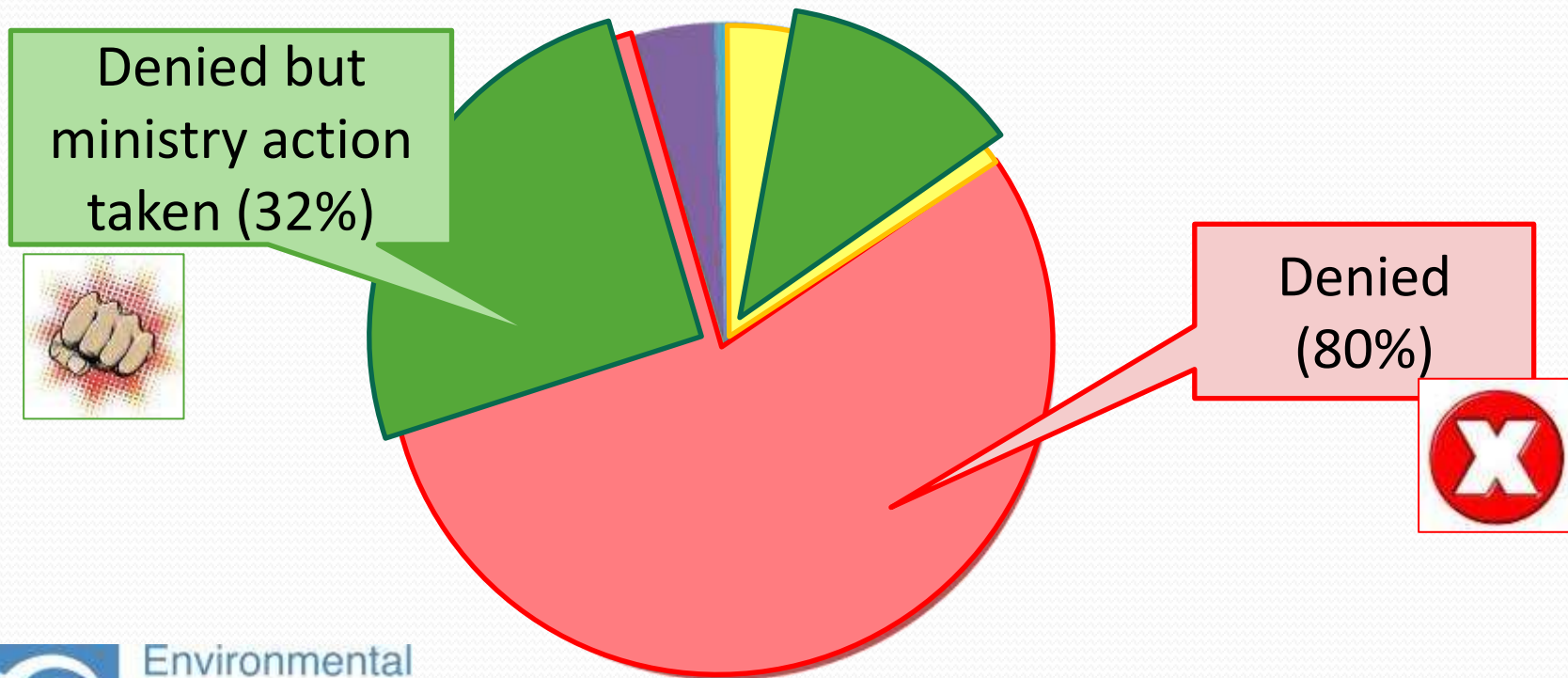
For example:

- New legislation
- Amendments to regulations
- Changes to approvals

Applications for Review - Results



Applications for Review - Results



Excellent

How to Prepare an Application

- Do your homework
- Find out what you can and cannot request (see O. Reg. 73/94)



www.eco.on.ca



Environmental Commissioner of Ontario

Our Environment... Your Rights

About Ontario's Environment | About the ECO and the EBR | News, Reports and Publications | Blog | ECO Issues

Quick Links

- Frequently Asked Questions
- Your Rights under the EBR
- Resource Centre Library
- Link to Environmental Registry
- Accessibility

ECO E-mail Updates

Sign up to receive an e-mail whenever we release a report (4-6 / year)

email address

The EBR and You



The EBR and You: A guide to exercising your right to participate in environmental decision making in Ontario - Newly revised in 2013

Search box with 'Search' button

How to Prepare and Submit an Application for review

Under the EBR, any two Ontario residents can submit an application to the ECO requesting a review of a policy, act, regulation or instrument by the appropriate minister.

There are two kinds of reviews that you can request: you can ask a minister to review existing policies, acts, regulations or instruments (for example, you may want the government to review its drinking water quality standards to ensure they are strong enough); or you can ask a minister to review the need for new policies, acts, or regulations.

You may only ask for a review to be undertaken by a ministry that is prescribed under the EBR for purposes of applications for review (see [Ministries Prescribed for Applications for Review](#))

When preparing and submitting an Application for Review, you must follow the process set out in the EBR.

The Application for Review Process

1. [Click to download an Application for Review form](#) to get the EBR to have access to you.
2. Complete all sections of the application form. Make sure you include:
 - a. Your names, addresses and declarations that both applicants are Ontario residents.
 - b. The name of the policy, act, or regulation that you want reviewed, or the ministry reference number of the instrument you want reviewed.
 - c. The reason you are requesting a review.
 - d. A summary of evidence supporting your request.

If you need assistance filling out your application form, contact the ECO. All personal information is kept confidential. However, an applicant's personal information may be disclosed if the review results in further government action outside of the EBR, such as a prosecution or other administrative action.
3. Make sure both you and your co-applicant sign and date the application.
4. Send your completed application, including all attachments, to the ECO. Remember to keep copies for yourselves.
5. Within 10 days of receiving your completed application form, the ECO will forward it to the appropriate ministry, or will contact you if there are any problems with your application that need to be addressed before it can be forwarded to the ministry.
6. Within 20 days of receiving your application from the ECO, the ministry will let you know it has received it. If your application relates to an instrument, the ministry will also notify anyone who may have a direct interest in the issues you raise in your application, particularly if you have asked for a review of a licence or approval issued to a company. However, the ministry will not disclose your

www.eco.on.ca

Acts and ministries prescribed under the EBR

Application form

How to complete the form (including sample forms)

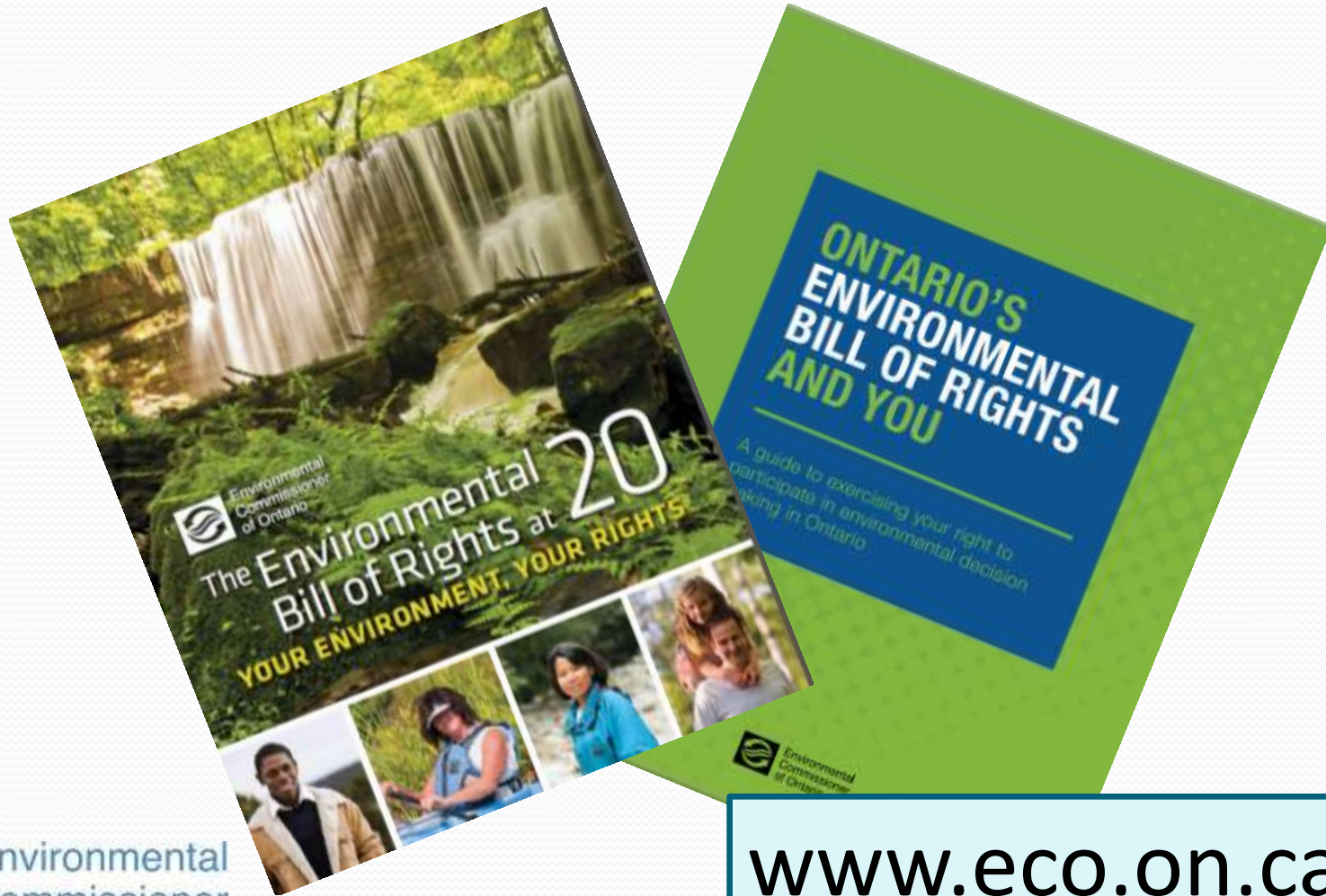
Submission process and timelines

What you **LOSE** if you don't use EBR Application for Review process

- Transparency, accountability and timelines
 - Notification of receipt by ministry (20 days)
 - Deadline for ministry's accepted/denied decision (60 days)
 - Review within "a reasonable time"
- Your request won't be included in the ECO's annual report to the Ontario Legislature
 - Your concerns won't be highlighted by the ECO



Applications for Review



How to Ask for Enforcement of Environmental Rules:

Applications for Investigation

Applications for Investigation

- If you believe someone has contravened or violated a prescribed Act, regulation or instrument, you can ask the government to investigate

Applications for Investigation

- If you believe someone has contravened or violated a *prescribed* Act, regulation or instrument, you can ask the government to investigate



Noise, vibration or air emissions

Applications for Investigation

- If you believe someone has contravened or violated a prescribed Act, regulation or instrument, you can ask the government to investigate



Damage to the habitat of
an endangered species

Applications for Investigation

- If you believe someone has contravened or violated a *prescribed* Act, regulation or instrument, you can ask the government to investigate.

CONFIDENTIAL PROCESS



Leachate from a landfill

Application for Investigation - Example



Application for Investigation - Example



Application for Investigation - Example



Investigation of sewage issues
in provincial parks



Application for Investigation - Example



Investigation of sewage issues
in provincial parks



**Ministry of the
Environment** 



Application for Investigation - Example



Investigation of sewage issues in provincial parks

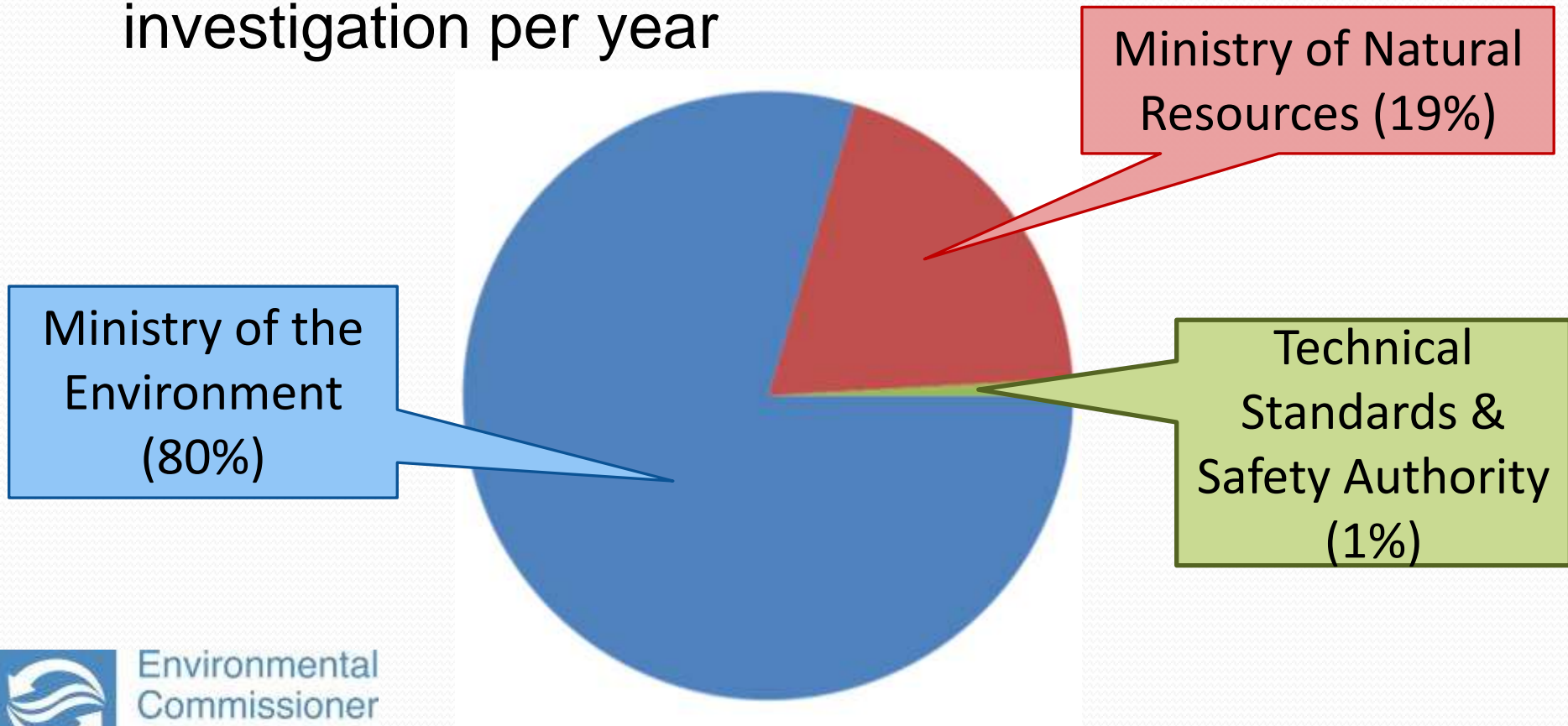


Ministry of the Environment 

- Ministry requested that specific parks address issues of non-compliance
- Provincial Officer followed-up to ensure compliance
- Ministry encouraged parks to enhance sewage management practices

Applications for Investigation

- The ECO receives about 10 applications for investigation per year



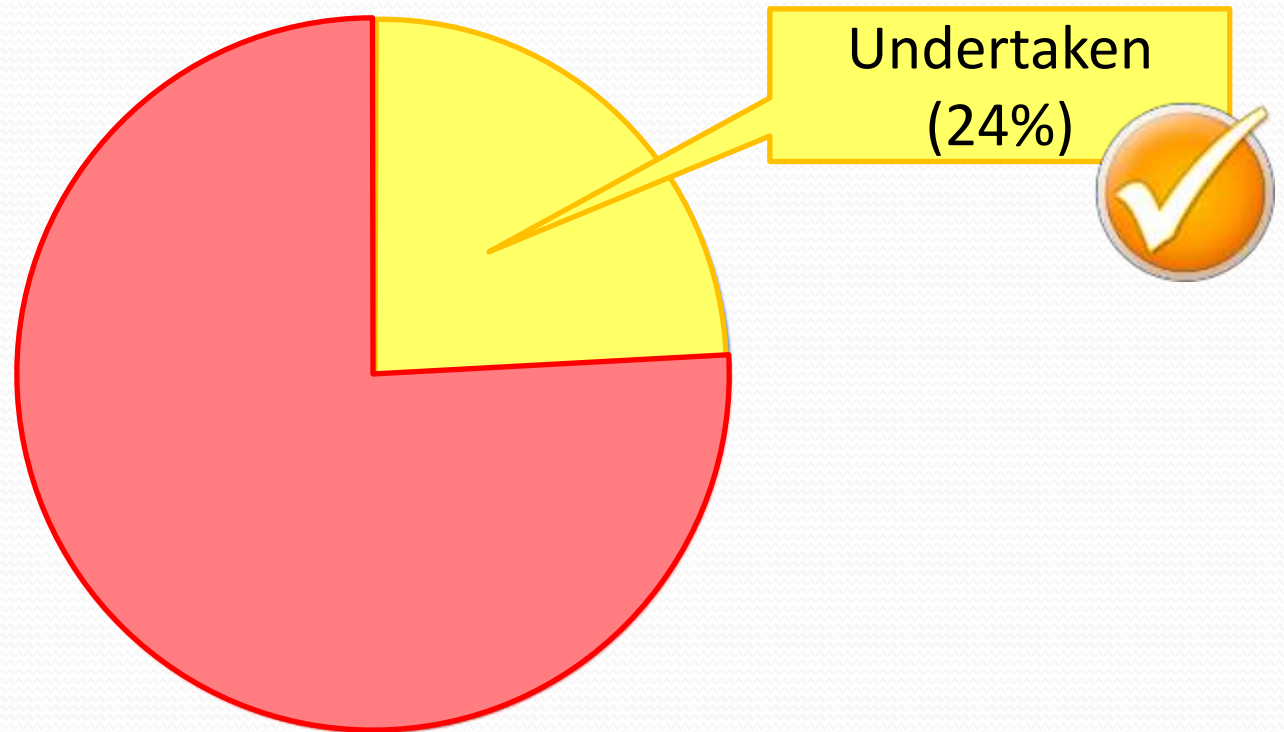
Applications for Investigation

- Legislation most cited:
 - *Environmental Protection Act* (65%)
 - Section 14 – Prohibits discharge of a contaminant into the natural environment that causes an adverse effect, including:
 - Injury or damage to property or plant/animal life
 - Harm or material discomfort
 - Loss of enjoyment of normal use of property
 - Interference with normal conduct of business

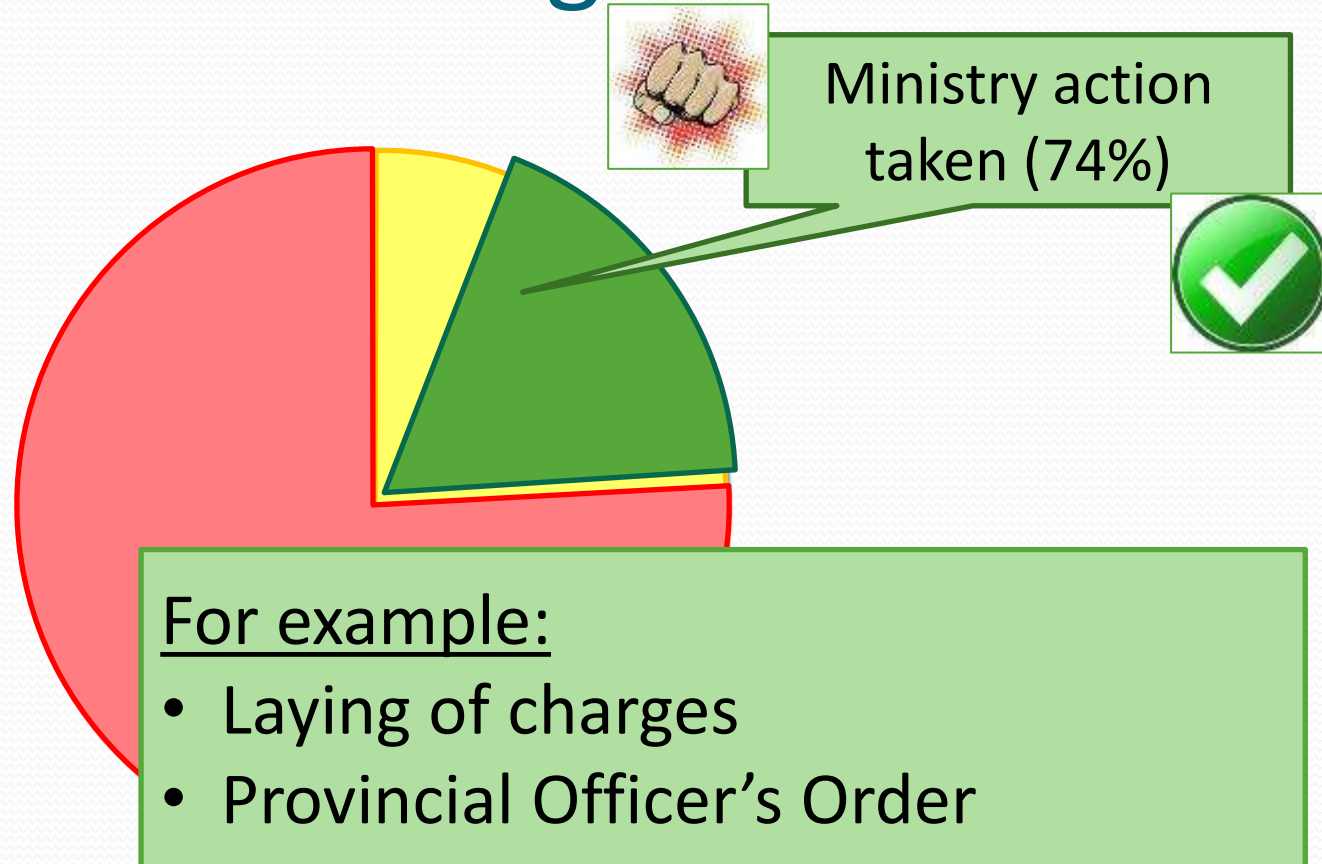
Applications for Investigation

- Legislation most cited:
 - *Environmental Protection Act* (65%)
 - *Ontario Water Resources Act* (34%)
 - *Environmental Assessment Act* (14%)
 - *Fisheries Act* (10%)

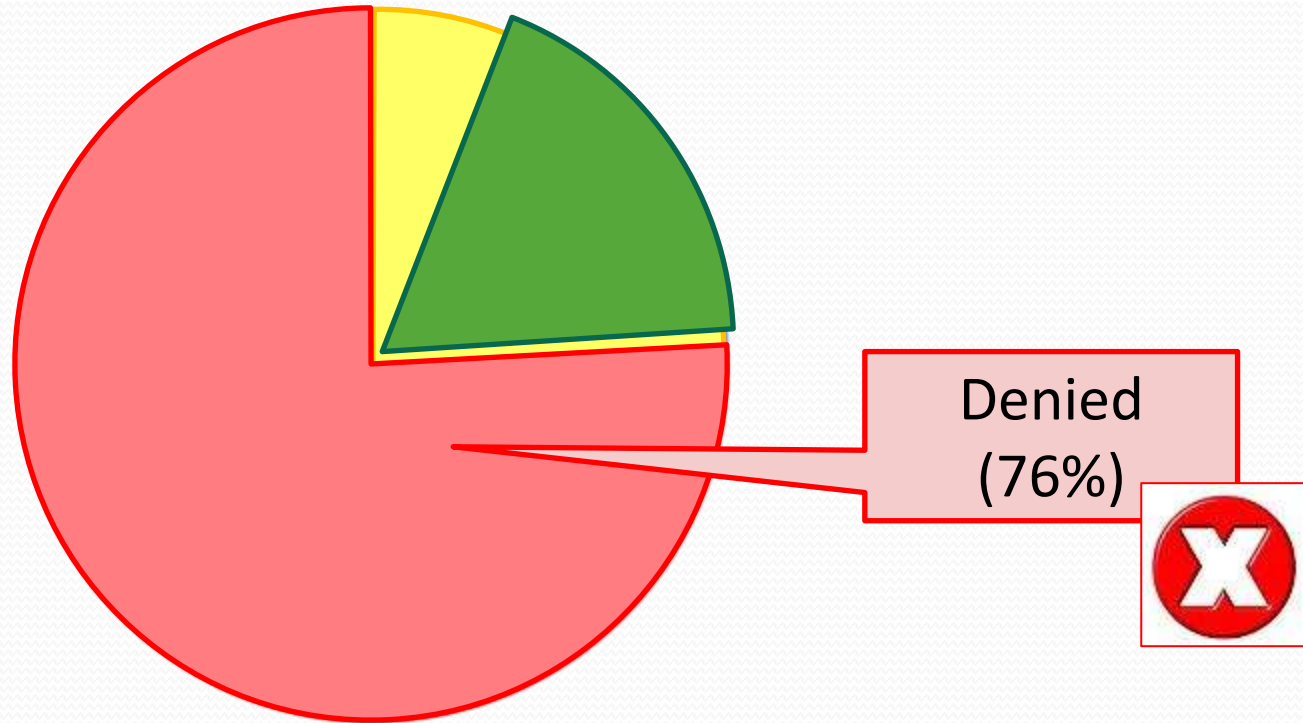
Applications for Investigation - Results



Applications for Investigation - Results

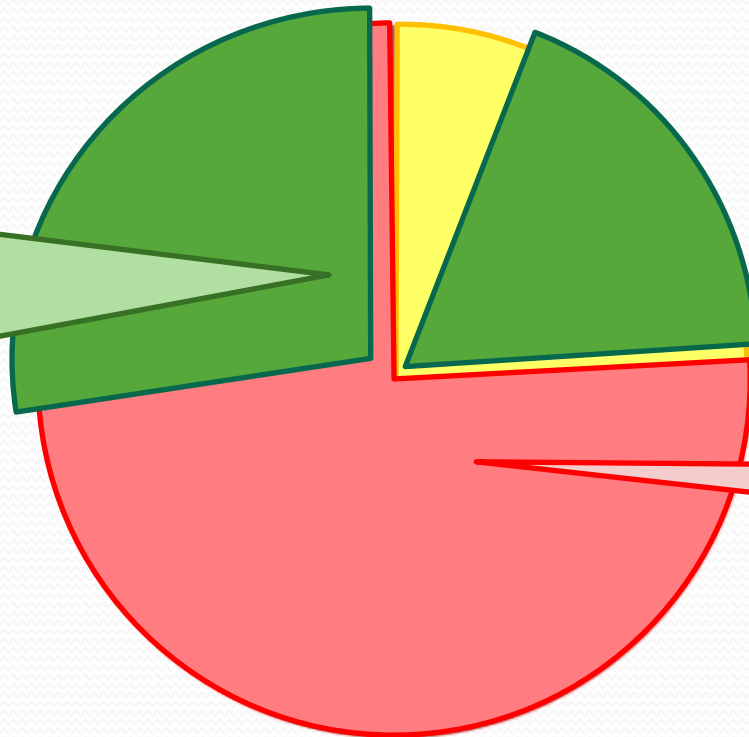


Applications for Investigation - Results



Applications for Investigation - Results

Denied but
ministry
action still
taken (35%)



Denied
(76%)



Applications for Investigation - Denied

- Why ministries deny applications:
 - Would duplicate a completed or ongoing investigation (45%)
 - Contravener has been brought into compliance (43%)
 - No jurisdiction, or limitation period has expired (40%)

EBR Applications - Oversight

- The Environmental Commissioner reviews and reports on ministries' handling of applications



Applications for Investigation: your step-by-step

- Gather evidence, witnesses
- Is the contravention “prescribed”?
- Two Ontario residents
- Sworn statement of belief (lawyer, notary public)
- Fill out application form
- Make a copy for yourself
- One copy to Environmental Commissioner
- Be patient

Applications for Investigation:

Should you contact the ministry first?

It depends.



Applications for Investigation:

Should you contact the ministry first?

It depends.



What you **LOSE** if you don't use EBR Application process

- Notification of receipt by ministry (20 days)
- Deadline for ministry's accepted/denied decision (60 days)
- Investigation within 120 days or ministry's written estimate
- ECO's independent review
- ECO's report to the Ontario Legislature
- Elevates your concern within the ministry

EBR Applications

- Over the past 20 years, Ontarians have submitted:
 - 650 applications for review and 237 applications for investigation



WILDLANDS LEAGUE

ecojustice



MiningWatch Canada
Mines Alertes

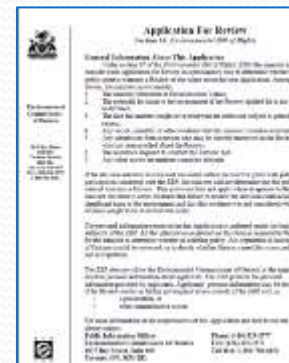
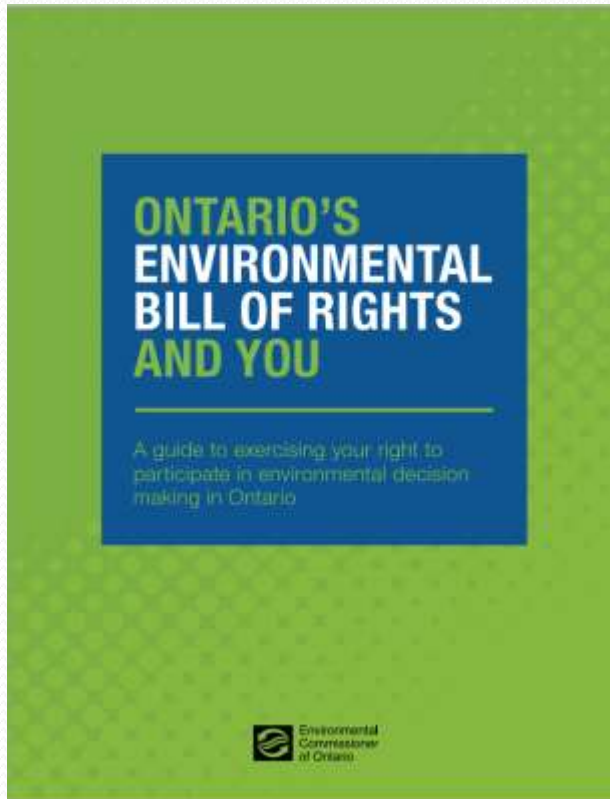
STORM
COALITION



CCOB.ca
CONCERNED CITIZENS OF BRANT

How to Submit an *EBR* Application

www.eco.on.ca



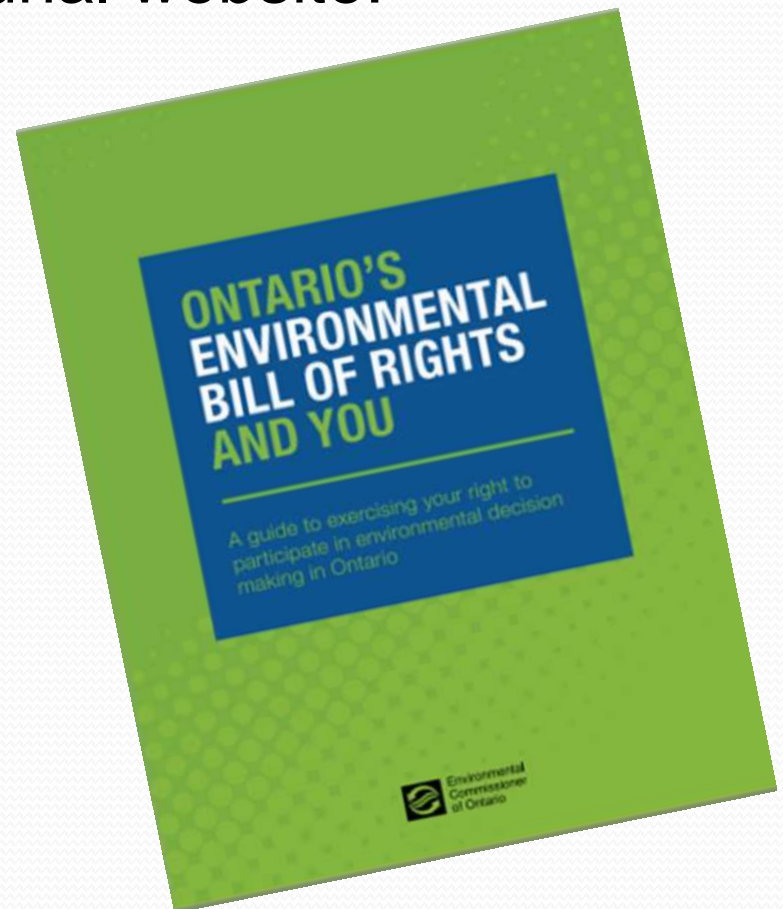
EBR Appeal Rights



- Another important tool designed to provide:
 - Opportunity for public involvement
 - Accountability

Applying for Leave to Appeal

- Environmental Review Tribunal website:
<http://www.ert.gov.on.ca>

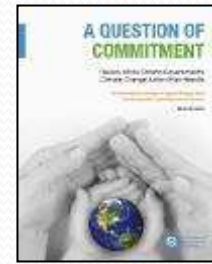


Environmental Commissioner of Ontario

- Impartial
- Officer of the Legislature
- Environmental watchdog
- Since 1994



Using the Reports of the Environmental Commissioner



The ECO's Annual Reports

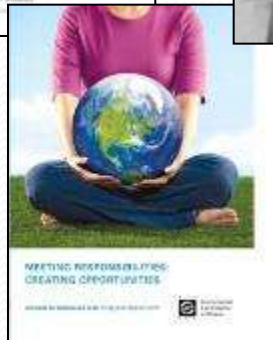
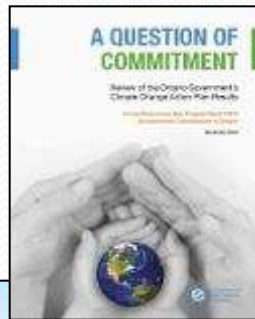
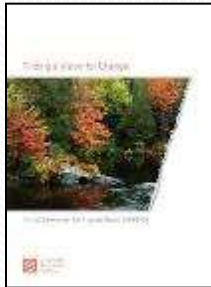


- Learn about:
 - Environmental decisions by ministries
 - Ministry responses to applications for review and investigation
 - Current and emerging environmental issues
 - How well ministries co-operate with the ECO
 - How well the Environmental Registry is working
 - ECO Recommendations
- All on-line and searchable; our Supplements have even more detail

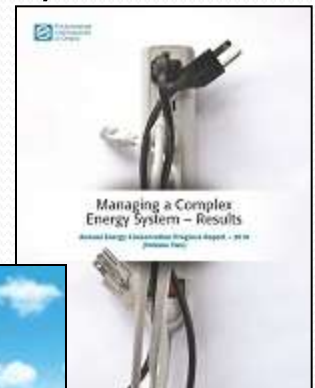
The ECO's Expanded Mandate

The *Green Energy and Green Economy Act, 2009*

Progress on reducing
greenhouse gas
emissions



Progress on energy
conservation
(all fuels)



Special Reports

- The ECO may also produce special reports “at any time on any matter”
 - Adapting to climate change
 - Biodiversity
 - “Eco fees”
 - Budgets for MOE & MNR



ECO Examines Cottage-relevant Issues:

- **Septic systems** (e.g., 2013-2014 Supplement p. 152)
- **Mining impacts on cottagers** (e.g., 13/14 Annual Report, p.119)
- **MNR downsizing programs** (e.g., 13/14 Annual Report, p. 72)
- **Snapping Turtles, Sturgeon** (e.g., 12/13 Annual Report, p. 88, p. 105)
- **Invasive species** (e.g., 12/13 Annual Report, p. 99)

Strengths of ECO Reports

- Current info
- Ontario-focused
- Fair, independent
- Plain language

Where to Find ECO Reports

- Website (www.eco.on.ca) :
 - News, Reports & Publications – specific reports
 - Blog and social media – updates between reports
 - ECO Issues – topic searches (Wiki)

Gord Miller



Environmental Commissioner Gord Miller

The Environmental Commissioner of Ontario is the province's independent environmental watchdog. Appointed by the Legislative Assembly, the ECO is tasked with monitoring and reporting on compliance with the *Environmental Bill of Rights*, and the government's success in reducing greenhouse gas emissions and in achieving greater energy conservation in Ontario.

[Click here to follow Gord's personal Twitter account.](#)

Quick Links

- [Frequently Asked Questions](#)
- [Your Rights under the EBR](#)
- [Resource Centre Library](#)
- [Link to Environmental Registry](#)
- [Accessibility](#)

 x

2014 Energy Conservation Progress Report



The Environmental Commissioner of Ontario releases his 2014 Annual Energy Conservation Progress Report to the Legislature today.

- [Watch the Press Conference](#) (live at 10:00 a.m.)
- [Register for a Live Chat with the Commissioner about the report on Tuesday, January 20](#)
- [Download the report on your computer](#) (.pdf)
- Download the Media Release: [Conservation First Needs More Work](#)
- [More information ...](#)

New at the ECO

[ECO Live](#) - Updated daily with new facts, graphics, blogs, photos and more!

Recent Blogs

[Live Chat with the Commissioner about his 2014 Energy Report](#) - 2015-01-15

Please join our live chat with Environmental Commissioner Gord Miller on Tuesday, January 20th at 2:00 p.m. about his latest annual report on energy conservation in Ontario, *Planning to Conserve*. This report reviews ...

Gord Miller

**Environmental
Commissioner
Gord Miller**

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Ontario's *Environmental Bill of Rights*



Thank you!

**Type your questions in
the question box**

Ellen Schwartzel

Deputy Commissioner

www.eco.on.ca



Federation of Ontario Cottagers' Associations

www.foca.on.ca



Environmental
Commissioner
of Ontario