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Standing Committee on General Government

Comité permanent des affaires gouvernementales

Better for People, Smarter for Business Act, 2019

Loi de 2019 pour mieux servir la population et faciliter les affaires

1st Session
42nd Parliament
Monday 25 November 2019

1re session
42e législature
Lundi 25 novembre 2019

Chair: Goldie Ghamari
Clerk: Jocelyn McCauley

Présidente : Goldie Ghamari
Greffière : Jocelyn McCauley

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CONTENTS

Monday 25 November 2019

Better for People, Smarter for Business Act, 2019, Bill 132, Mr. Sarkaria / Loi de 2019 pour mieux servir la population et faciliter les affaires, projet de loi 132, M. Sarkaria............G-489

Environmental Defence............G-489
Ms. Kelsey Scarfone
Mr. Muhannad Malas
Mr. Keith Brooks

Association of Municipalities of Ontario............G-494
Mr. Jamie McGarvey
Ms. Monika Turner

Chemistry Industry Association of Canada............G-498
Mr. Don Fusco

Registered Nurses' Association of Ontario............G-501
Ms. Hilda Swirsky
Ms. Susan Munro
Mr. Kim Jarvi

Canadian Manufacturers and Exporters............G-505
Mr. Alex Greco

Ontario Federation of Agriculture............G-509
Mr. Jason Bent
Mr. Keith Currie

Ontario Rivers Alliance............G-514
Ms. Linda Heron

Gravel Watch Ontario............G-518
Mr. Graham Flint

Matawa First Nations Management............G-523
Chief Harvey Yesno
Chief Celia Echum
Chief Veronica Waboose

Ontario Chamber of Commerce............G-527
Ms. Michelle Eaton
Ms. Claudia Dessanti

Ecojustice Canada............G-531
Mr. Ian Miron

Colleges Ontario............G-535
Ms. Linda Franklin

Mr. Jonathan Wright............G-538

Chiefs of Ontario............G-540
Ms. Kathleen Padulo

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

COMITÉ PERMANENT DES AFFAIRES GOUVERNEMENTALES

Monday 25 November 2019

Lundi 25 novembre 2019

The committee met at 0900 in committee room 1.

The Clerk of the Committee (Ms. Jocelyn McCauley): Good morning, honourable members. In the absence of a Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. Khanjin.

Ms. Andrea Khanjin: Madam Clerk, I nominate Lorne Coe as Chair.

The Clerk of the Committee (Ms. Jocelyn McCauley): Does the member accept the nomination?

Mr. Lorne Coe: Yes, I will.

The Clerk of the Committee (Ms. Jocelyn McCauley): Perfect. Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr. Coe elected Acting Chair of the committee.

BETTER FOR PEOPLE, SMARTER FOR BUSINESS ACT, 2019

LOI DE 2019 POUR MIEUX SERVIR LA POPULATION ET FACILITER LES AFFAIRES

Consideration of the following bill:

Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations / Projet de loi 132, Loi visant à alléger le fardeau administratif qui pèse sur la population et les entreprises en édictant, modifiant ou abrogeant diverses lois et en abrogeant divers règlements.

The Acting Chair (Mr. Lorne Coe): Good morning, everyone. The Standing Committee on General Government will now come to order.

We're here today for public hearings on Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

ENVIRONMENTAL DEFENCE

The Acting Chair (Mr. Lorne Coe): I will now call on our first presenter, Environmental Defence, to please come forward. Pursuant to the order of the House dated November 7, 2019, you will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member.

Please state your name for Hansard and you may begin.

Ms. Kelsey Scarfone: Kelsey Scarfone. Good morning, members of the committee. My name is Kelsey. I'm the water program manager with Environmental Defence. I'm joined today by my colleagues Muhannad Malas, our toxics program manager, and Keith Brooks, our programs director. Thank you for the opportunity to address you today and present our concerns with Bill 132 to the standing committee. Today our remarks are in respect to schedules 9 and 16, and primarily focus on the bill's potential impacts to the environmental penalties framework and changes to aggregate and pesticides laws and regulations.

I'd like to begin with the changes to administrative monetary penalties, or AMPs. Schedule 9 proposes to change the Environmental Protection Act and Ontario Water Resources Act and extend the use of AMPs to other statutes. Environmental Defence supports the expansion of the AMP framework. We also support the stated goal of the proposal: to hold polluters accountable and strengthen enforcement and compliance. However, other changes proposed in Bill 132 could weaken AMPs as an effective enforcement mechanism and are a cause for concern.

It's important to note that the proposals in Bill 132 need to be enabled through regulations in order to expand the use of AMPs. Currently, there is no public consultation or process on the way for the regulations, and those details in the regulations are crucial in evaluating whether or not the framework will be strengthened or weakened.

The proposed changes do, however, clearly move to revoke the reverse onus clause on AMP appeals. Under the current rules, if a polluter appeals a penalty, the onus is on them to prove that the contravention didn't happen or didn't cause an adverse effect. Schedule 9 of Bill 132 repeals this clause. The reverse onus clause was introduced as part of the spills bill in 2005 in response to various incidents such as the Imperial Oil spill of 250,000 litres of highly volatile chemicals into the St. Clair River, which shut down the local water supply. It must be preserved to ensure AMP integrity and function.

Furthermore, the bill ends daily fines, and caps fines per contravention in various amounts depending on the statute. Capping and removing per diem penalties could undermine the financial compliance incentive of AMPs. Environmental Defence agrees that major spills and multiday contamination events should be escalated to prosecution; however, AMPs cover several other monitoring and

administrative aspects that could be in non-compliance over multiple days. There is no rationale for enforcement tools to be limited by the removal of per diem fines.

In principle, the proposed expansion has the potential to be a positive change; however, elements of the bill will simultaneously weaken the newly expanded framework. And a separate but related revocation of the Municipal/Industrial Strategy for Abatement, or MISA, regulations pulls the regulatory floor on waste water effluents for Ontario's nine most heavily polluting sectors.

Therefore, while the changes could expand the framework, other legislative amendments in schedule 9 propose changes that will undermine the strength of AMPs as an enforcement tool. The most crucial example of this, in our opinion, is the revocation of the reverse onus clause. We recommend the committee strike schedule 9, clause 8, in order to preserve the reverse onus clause and ensure AMPs continue to be effective and fast enforcement compliance tools.

Mr. Muhannad Malas: My name is Muhannad Malas, and I am the toxics program manager at Environmental Defence. I'm here to speak about the proposed amendments to the Pesticides Act and the related proposal with respect to the pesticide regulation.

I will begin by emphasizing that we are pleased that the government has committed to maintaining the cosmetic pesticide ban. Ontario's ban on using harmful pesticides on lawns and gardens is critical for safeguarding public health and is considered among the best pesticide regulations in North America. We urge the government to be careful in making any changes to the regulation that may undermine this ban.

Having said that, we're very concerned about the proposed changes to the regulation of neonicotinoid pesticides, also known as neonics. Neonics pose significant harm to pollinators. They can impair the foraging behaviour, memory and communication abilities of bees and other pollinators. Neonics are systemic pesticides, which means that they can spread through the entire plant when applied to a specific part such as the seed. The prophylactic use of neonics in treated seeds over the years has been linked to colony collapse disorder and dramatic declines in pollinator populations.

The Ontario government in 2015 restricted the use of neonic-treated corn and soybean seeds, a decision that the public, beekeepers and the scientific community strongly supported. This restriction has resulted in a decrease in the number of acres planted with treated seeds.

The proposed amendments to the pesticide regulations would eliminate important mechanisms that were put in place to ensure accountable and effective implementation. To prevent the overuse of neonic-treated seeds, the regulation currently requires that a pest risk assessment report is completed by a professional pest adviser every three years, to ensure that the neonic-treated seeds are used only when there is proof that a pest problem exists. The proposed changes would undermine the rigour of the assessment process by eliminating the role of the third-party adviser and by requiring that an assessment report is completed only once.

The proposal would also remove the requirement that seed vendors provide the government with annual sales data of treated and non-treated seeds, and with a copy of the pest assessment report received by farmers. The government would also no longer post such data publicly. Taking away this basic information would hinder the government's and the public's ability to effectively measure the performance of the regulation, and track progress toward reduction targets.

The proposed amendments would not only put the health of pollinators at significant risk; they would also threaten beneficial aquatic insects, such as mayflies and, in turn, the birds and other animals that feed on them. Health Canada recently concluded that current levels of neonics in the environment pose unacceptable risks to beneficial aquatic insects, and hence proposed to ban their use. But a ban is unlikely to take effect for several years. Until then, Ontario must continue to maintain the neonics regulations and retain the accountability mechanisms that ensure that overuse of neonics is prevented.

Ontario has a shared responsibility with the federal government to regulate the use of pesticides. Robust, evidence-based provincial regulations of pesticides that pose major risks to pollinators, ecosystem health and food security should not be viewed as duplication or an administrative burden. We urge the government to withdraw the proposed amendments to the regulation of neonic-treated seeds.

Mr. Keith Brooks: I'm Keith Brooks, the programs director with Environmental Defence. I'm going to talk about aggregates and schedule 16.

The government initiated a public consultation process in late September about proposed changes to the Aggregate Resources Act. That consultation had not even concluded when Bill 132 was introduced, although many of the changes that the government was supposedly seeking feedback on were included in schedule 16.

The most concerning of these proposed changes, from our perspective, is the move to outlaw the use of municipal zoning bylaws to prevent aggregate operations from going below the water table. These changes would undermine a municipality's ability to protect their groundwater resources.

Municipalities have a critical role and are responsible for protecting and providing drinking water for the communities that they govern. They must have the ability to intervene when the source of their communities' drinking water is under threat. We therefore recommend that the committee revoke the proposed changes to section 13.1 of the Aggregate Resources Act and strike them from Bill 132. Instead, we would urge the government to clarify that municipalities do have the power to deny zoning applications for operations that would go below the water table.

We're also concerned by the shift to permit-by-rule for unspecified low-risk activities which have not yet been defined.

Also concerning is the stipulation that the minister and the Local Planning Appeal Tribunal shall not have regard to road degradation that may result from proposed truck

traffic to and from a site. This is one of the major concerns for municipalities, and it can be quite damaging and costly to fix.

Furthermore, in conjunction with the updates to the provincial policy statement, these changes together would make it possible for aggregate development to occur within natural heritage spaces and areas identified as environmentally significant and vulnerable—all this on top of the previously made changes to the Endangered Species Act.

I want to close with some remarks about consultation.

The way this bill was introduced before the consultation was closed on the Aggregate Resources Act is not new from this government. We're unhappy with the way that this government is going about passing environmental laws and regulations, and expediting processes, curtailing consultation and limiting the ability of citizens to grasp these massive changes to environmental policy, let alone to comment on them from an informed position.

The government's record on this goes well back, to Bill 4, the Cap and Trade Cancellation Act. The government was found to have broken the law when it passed that act without posting it on the Environmental Registry and consulting as required under the Environmental Bill of Rights. We appreciate that the government learned from that mistake and has not repeated it, but the way that bills like this bill, and Bill 108 before it, have been rushed through and time-allocated is little better.

This is a massive omnibus bill that was tabled on the day the government returned from a five-month hiatus. There was no heads-up to the environmental community, no meetings scheduled to walk us through the components of the bill, no consultation that took place at all. We recognize that the bill was posted for the 30-day comment period, which is the minimum required by law.

That said, we appreciate the opportunity to speak to you today. We have a long history of working with the government to develop and implement sound environmental policy. We sincerely hope that this government does revise this bill, and its approach to environmental law-making, and begin governing in a more collaborative approach.

0910

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation.

This round of questions will begin with the Green Party. Mr. Schreiner.

Mr. Mike Schreiner: Thanks to all three of you for being here today.

One of the things you brought up in your presentation was the MISA regulations, the Municipal/Industrial Strategy for Abatement that's on the Environmental Registry for consultation right now. How do you see that relating to the changes to the AMPs and how that will affect the protection of water from industrial toxins?

Ms. Kelsey Scarfone: I see it as very interlinked. The MISA regulations are due to be updated, but to roll them into environmental compliance approvals, which is the proposal, is to weaken the standards that those facilities are held to. That means there won't be a regulatory floor. Environmental compliance approvals can't go, right now, lower than what's stipulated in the MISA regs, but now they will be evaluated on a site-by-site basis and have the potential to do exactly that. MISA regulation violations are subject to AMPs, and I see them as being very much interlinked. But now these facilities can advocate for their ECAs to go lower than the standards they have been held to, which is another weakening of the enforcement framework.

Mr. Mike Schreiner: So you think that weakening the floor and taking away daily fines is a significant rollback of protections for our waterways?

Ms. Kelsey Scarfone: Pulling the regulatory floor, certainly. Capping daily fines definitely does send the message—where you'd have a daily maximum, that sends a really strong enforcement message. But capping those fines at totals per contravention—there's no rationale presented for why it would be something to do, and it could only serve to weaken the framework.

Mr. Mike Schreiner: My time is limited, so I probably don't have time for another question, but I just want to compliment you for bringing up the Imperial Oil spill that actually led to these regulatory and legislative changes. I think that's an important issue to bring up in this regard, so thank you for that.

The Acting Chair (Mr. Lorne Coe): To the government. Ms. Khanjin.

Ms. Andrea Khanjin: Thank you for coming here today.

Mr. Brooks, I know you've worked on the Great Lakes Guardians' Council. As part of that council, of course, there's a lot of discussion around waterways and how we can work together to make sure that our waterways are clean and effective for many generations to come. As part of those conversations, one of the issues that came up was illegal discharge of sewage into our waterways. With Bill 132, the Better for People, Smarter for Business Act, we're making sure that those who illegally discharge sewage water into our waterways are now charged; beforehand, they were not. We've had many forums, assigned COA—and many of these cross-water treaties.

Another thing that wasn't allowed before was failing to have a certified operator—if someone had an operator who was not certified to operate a drinking system, there was no violation for that individual. That certainly doesn't protect our waterways. We put these extra teeth, these extra measures in the bill so that we can actually have the ability to charge those people with this terrible violation, and, of course, anyone who's violating the terms for permits to take water.

I appreciate your support for the moratorium on permits to take water, which Minister Jeff Yurek had extended. These are all ways that we're working to protect our waterways.

What's very significant and what I want to get your input on is, shouldn't someone who's violating rules be charged with the full extent of their violation? If the violation is so egregious, shouldn't the full force of the law or the full force of what they violated—shouldn't there be the maximum imposed on that person?

Mr. Keith Brooks: Absolutely. As Kelsey said in her remarks, we support the extension of the administrative monetary penalties to more offences and to more classes of individuals and whatnot. We think that's a positive step. But those have to be brought into force through regulation which we've not yet seen. The details are still forthcoming. This comes in a red tape reduction bill, so the belief that this is a stronger enforcement tool is hard to believe. It's hard to reconcile that with the idea of red tape reduction.

Finally, we have no certainty that these administrative monetary penalties will ever be used. Just because the government has a tool does not mean they will make use of that tool. It's our understanding that the ministry is not anticipating any additional resources for enforcement—no more plans to go out into the field and use these penalties. The concern is, as well, now that we won't have operations formally charged, that we may not go through with other processes, and we may just give a slap on the wrist, for a fine which, as we noted, is a maximum per contravention rather than per day. So, once fined, the incentive to change the behaviour is removed because the fines have already been made.

Ms. Andrea Khanjin: The way I look at this is, say you have a daily fee. You violated something; you did something bad; you were aggressive in school and you pushed someone. That's a $15 fine. But that push was so egregious that it broke that person's shoulder. Therefore, it's more than $15; it's actually $200 to $300.

So now we're allowing for how egregious the violation is on the environment. We're allowing that every day, the egregiousness of that violation could be $15,000, $16,000 or $17,000. It's actually stronger, not less.

I know my colleague wanted to ask some questions as well, so I'll pass it on to him.

The Acting Chair (Mr. Lorne Coe): MPP Harris.

Mr. Mike Harris: Welcome, and good morning. It's always nice to start the morning off with some very eloquent speakers, so thank you for that.

I just wanted to get your thoughts on a couple of things in regard to the ARA. Obviously, with the changes to vertical zoning that we're looking at proposing, this is one thing that has come up time and time again as we've gone through these hearings over the last week or so in London, Peterborough and then today.

One thing I wanted to point out and get your thoughts on was, we have some municipalities that do aggregate well, and we have some that don't have the capacity. A lot of the times, aggregate operations are in smaller municipalities that just don't have the staff and the resources to be able to plan things as well as maybe they should.

When we look at below-water-table extraction, I just want to get your feeling on what role you could see the province playing, and playing better, obviously. We want to be more active in what's happening with below-water-table extraction—but being able to keep things a little bit more standardized across the board, where you've got, like I said, municipalities that do things well and some that don't.

Mr. Keith Brooks: I don't understand what the question is.

Mr. Mike Harris: The question is, basically, do you believe there should be stronger regulation when it comes to municipalities that aren't able to police these things as well as they should? And can the province play a role in doing that?

Mr. Keith Brooks: Sure, yes. Stronger regulation is something that we would support with respect to the environment in general. I don't see how removing a municipality's ability to deny zoning to an application that goes below a water table, though, would count as stronger regulation. In fact, it seems to be the other way, right? I know that municipalities are concerned about this taking away of their ability.

As you know, municipalities are responsible for drinking water for their citizens. A lot of municipalities where we have aggregate operations also are on groundwater, so the threat to the aquifers from these operations is real. That's why we want municipalities to have that power to protect their water.

Mr. Mike Harris: Being from Waterloo region, we know that all too well, right? I'm sure my colleague will probably bring that up a little bit later.

But when we talk about municipalities being able to still be part of that process, obviously, the initial zoning of that land that the aggregate resources are going to be extracted from has to be properly zoned from the beginning, to be able to do that, which the municipality has to do. Under this proposed legislation, a municipality would still have input into what's going on, and they would actually now have a mechanism to be able to be an official objector to something, which they currently don't have, and be able to bring that to the LPAT. Organizations like yourself currently don't have a mechanism to be able to bring below-water-table extraction to the LPAT, so—

Mr. Keith Brooks: Right, so you've taken away the power of municipalities to oppose something, but given them the ability to officially object.

Mr. Mike Harris: They're still part of the process from the beginning, though.

Mr. Keith Brooks: Sure, but they're not in control anymore. They could just formally say, "We don't support this."

Mr. Mike Harris: They still have the power to be able to not zone it in the first place, right?

Mr. Keith Brooks: Potentially. I suppose that would be subject to review at the LPAT as well.

Mr. Mike Harris: Thank you, Chair.

The Acting Chair (Mr. Lorne Coe): MPP Khanjin.

Ms. Andrea Khanjin: If I could just get clarity: So you think that any time there is an infraction below the groundwater, that that's wrong for the environment. But there certainly have been other areas where clean technology has been put in—for example, a wind turbine—and people have had to drill below the water table. So should there be an infraction on that? Should that not be allowed?

Mr. Keith Brooks: I'm not saying it should not be allowed. I'm saying that the municipality that's responsible for drinking water should have the power.

Ms. Andrea Khanjin: So then we can drill below the water table for wind turbines—

Mr. Keith Brooks: But it's interesting that you bring that up, because this government has been very critical of the Green Energy Act—

Ms. Andrea Khanjin: But you can't use two different standards.

Mr. Keith Brooks: —and its supposed imposition of wind turbines on communities that didn't want them, and now you're imposing aggregate operations on municipalities that don't want them. It seems very inconsistent here.

Ms. Andrea Khanjin: And now there's an extra permit they would have to apply, so that they're not violating the water table permits.

Thank you, Chair.

0920

The Acting Chair (Mr. Lorne Coe): Any further questions from the government side? No? All right.

For the purposes of clarity, we just need one person speaking, one at a time, okay? Thank you.

To the official opposition, please: MPP Fife.

Ms. Catherine Fife: Thank you for being here today. I just want to let you know, we're still getting submissions. We just got 50 other submissions today because the citizens of this province are just catching up on this bill.

So it's so important that you're here today, specifically on schedules 9 and 16. By and large, most delegates who came to us in London and Peterborough consider these two schedules of Bill 132—an omnibus piece of legislation—to be dangerous to the public health of the people of this province and will undermine protections.

I want to speak specifically around the aggregate act. I thank you for bringing up the lack of consultation, because this has been a government that has had to walk back several pieces of legislation because they didn't do their basic due diligence on measuring the impact of legislation and then changing regulations. In Peterborough, and in London, actually, we heard—I think it's an important distinction to be made—that there are people in this province who are not anti-aggregate, they're just pro-water. So they want to make sure that if we are embracing a fulsome aggregate industry, that there are essential protections in place to make sure that the water is not contaminated. We also know that those aggregate pits are rarely rehabilitated as well, right? So these were concerns that were brought to us.

What's really interesting is to hear the government side say, "Oh, municipalities are going to have their say. They're still part of the process." But you rightly point out that that ultimate power that they have, on behalf of the citizens in their communities, is actually being taken away, which we would consider to be undemocratic.

We also learned that schedule 16 also proposes to expand the ability of aggregate companies to self-file their own changes to site plans without ministerial approval. So not only is the municipality being cut off at the knees; the minister and the ministry are responsible for ensuring that any new site plans are in the best interests of the public and are actually upheld. Can you please speak to this? What do you think of aggregate companies being able to revise and change their own site plans without oversight from the ministry and/or from the municipality?

Mr. Keith Brooks: Yes, I mean, this permit-by-rule process that would allow these supposed low-risk changes to be made without approval is troubling, especially because the details of that, like many other things in this bill, are not yet clarified.

But I just want to make a comment: You made a good point about people not being opposed to aggregate. We at Environmental Defence are not opposed to aggregate. We worked with aggregate producers on a third-party standard modelled after the Forest Stewardship Council standard to have responsible aggregate, because we know we need aggregate. There are some good producers out in the province, and we were setting a new environmentally and socially responsible standard that everybody agreed was achievable.

Sadly, that standard fell apart around the same time as this government came into power. So I guess the aggregate producers felt they didn't need, in fact, to work with the environmental community anymore, because they had a more favourable regulatory and legislative environment, perhaps, to work in.

Ms. Catherine Fife: Thank you for that. I'm going to pass it off to my colleague, who is the critic for the environment. But it also begs the question: When you look at how these reforms have come into place and the risk to water contamination, both by polluters and through the aggregate industry through these new site plans, who do you think this government is listening to, at the end of the day? Because we know that they're not listening to rural communities, and those were the strongest voices.

When you think about the private wells that communities are still operating on, this has the potential, in Waterloo region with the Hallman pit, to compromise 7% of our water. Do you think that that is good for business?

Mr. Keith Brooks: We know that we certainly were not getting the heads-up that this bill was coming. We were not invited in to any of the ministries to have a walkthrough of the proposed changes, to have a discussion about it. This was posted on the Environmental Registry for the minimum required by law, and the law the government is adhering to now because they were found to have broken it previously.

I don't know of any other environmental stakeholders that were consulted on this, but I do know that there was an aggregate summit that the government held where they invited aggregate producers to a meeting near Caledon, I believe. In fact, Environmental Defence and many of our other allies requested to join the meeting, to say, "Well, you want to hear this environmental perspective too, surely." But no environmental voices were allowed in the room. The goal was to create more jobs in the aggregate industry.

Then after that summit we have changes to the Endangered Species Act, we have these changes to the Aggregate Resources Act, we have changes to the provincial policy statement: a bunch of things to create jobs in the

aggregate industry, but all of them are undermining vital environmental regulations and getting us further away from that balance. Because we do need aggregate, but we need clean water and we need species habitat. We need all these other things too. That was the balance that we were trying to work with aggregate producers and with the government to get to for a long time. Now we feel like this is quite one-sided.

Ms. Catherine Fife: Thank you.

The Acting Chair (Mr. Lorne Coe): Mr. Arthur?

Mr. Ian Arthur: Good morning. Thank you for your presentation. There were some interesting points in there, some that we actually haven't heard before.

The government seems to be claiming that they are attempting to strengthen environmental protections by widening the number of entities that can qualify for fines. In a larger perspective, do you think the cumulative actions of this government have strengthened or weakened environmental regulations and laws and protections in Ontario?

Mr. Keith Brooks: Weakened.

Mr. Ian Arthur: Absolutely.

Mr. Keith Brooks: There are lots of examples that we could go on about.

Mr. Ian Arthur: The government continues to try and draw a correlation between the number of entities which can be fined and then the actual amount of the fine, as if somehow there is some sort of net gain by expanding the entities but lowering the actual fines.

I think it's a fallacy. I think that they are actually unrelated, but would you comment on that? Do you see any correlation between the number of entities and the quantity of the fines that can be applied? Is there a net good in expanding it to more companies?

Ms. Kelsey Scarfone: No, and expanding a framework that's simultaneously being weakened is not going to help anyone. To bring it to new statutes, yes, we support that. To clarify, Bill 132 does not do that. It just gives cabinet the ability to make regulations to expand those frameworks, and we haven't seen any details on those regulations.

Removing the reverse onus clause is going to make the AMPs less effective for their designed purpose of being fast and efficient compliance tools, so no.

Mr. Ian Arthur: Just so we're clear, in the actual piece of legislation is the lowering of the fines, but the part that would expand it to more companies is being left to regulation?

Ms. Kelsey Scarfone: Yes.

Mr. Ian Arthur: Okay, thank you.

I want to talk a little bit about the potential for an enforcement mechanism. I've brought this up a number of times because I have trouble with the wording in the bill in terms of the monetary benefit: "The total amount of the administrative penalty referred to in subsection (7) may be increased by an amount equal to the amount of the monetary benefit acquired...."

I have a big problem with the word "may" because it doesn't require any form of enforcement. If it said "shall," it would.

You just raised the issue today that there's no increase in resources that are going to be attached to this. Do you think it would be in any way realistic to expect an enforcement mechanism to be rolled out in any sort of fashion for this? Do you think the resources are there within the ministry to enforce these, to bring it to court?

Ms. Kelsey Scarfone: I think there already is a lack of capacity within the ministry to follow through with enforcement, so expanding the framework but not having more capacity to levy those fines is definitely an issue, yes.

Mr. Ian Arthur: Thank you very much.

Mrs. Jennifer (Jennie) Stevens: Good morning and thank you for coming.

The Acting Chair (Mr. Lorne Coe): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you, Chair. I apologize.

I'm going to go on with the pesticide ban and ask you a few questions on that. Municipalities across this province sat many months with the residents and held public meetings after public meetings at great length, actually, a couple of years ago. An important mechanism was put in place at that time to ensure accountable and effective implementations were done. Can you elaborate on what will happen if we weaken this pesticide ban to municipalities?

Mr. Muhannad Malas: Sure. I guess I'll start off by saying that Ontario has been a model as a jurisdiction—especially a subnational jurisdiction—that has regulated the use of pesticides. We know Quebec, to a certain extent, followed the model of Ontario's restriction of neonics very recently. We also know and have spoken to folks from the United States who are advocating for stronger state-level and sub-state-level rules around pesticide regulations who have been looking at Ontario as sort of a gold standard.

What we're seeing in the proposed changes in the bill but also the associated changes that have been proposed to the pesticide regulation is that, as I said earlier, we are happy to know that the government is maintaining the cosmetic ban. However, there are some changes being made to certain criteria, low-risk pesticide criteria specifically—

The Acting Chair (Mr. Lorne Coe): Thank you very much. Your presentation is concluded.

0930

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Acting Chair (Mr. Lorne Coe): I'd like to call up, please, the Association of Municipalities of Ontario.

Good morning. For the record, for Hansard, please identify yourself and your colleague and then start. You have 10 minutes for your presentation. I will provide a one-minute warning when you're close to concluding. Thank you, sir.

Mr. Jamie McGarvey: Very good, thank you.

Good morning. My name is Jamie McGarvey, and I'm the president of the Association of Municipalities of Ontario, otherwise known as AMO. Beside me is Monika Turner, AMO's director of policy.

On behalf of AMO, I want to say that we appreciate the opportunity to contribute to the committee's deliberations on Bill 132, the Better for People, Smarter for Business Act, 2019. In the interests of time, our verbal comments will focus on portions of the bill that have raised significant concerns about the impacts for municipal government.

Let me open by saying there are a number of elements of this bill that are well-received, and we appreciate the two-year time frame to adjust to the repeal of the Line Fences Act. While hundreds of municipalities rely on this act, we are aware of some concerns with the administrative burden to municipal governments in retaining fence viewers. This new approach can work, but we do need the transition time to get it right.

We also appreciate the changes made to the Resource Recovery and Circular Economy Act, 2016. We do not believe the amendments to the objects of the authority will negatively impact its ability for oversight and enforcement of the act. The increased responsibility of using the authority's registry to digitize and track waste management records is consistent with recommendations we have provided to streamline record-keeping.

As to the proposed Waste Diversion Transition Act, 2016 and the Building Code Act, 1992 amendments, we support these changes.

We know a number of other changes proposed in the bill will require some adjustments by municipal governments. Ultimately, however, changes such as the shift to administrative monetary payments in a number of acts reflect good public policy.

However, in the area of aggregates reform, we believe the bill needs critical amendments in key areas.

First, as written, municipal council members can be held personally liable for decisions made not by them, but by the province. We recognize that requiring an application, rather than just an amendment, to extract aggregate below the water table raises the bar. It is a higher standard of requirement. However, there is no companion amendment to the Safe Drinking Water Act which would indemnify municipal councillors, if municipal drinking water is contaminated because of extraction below the water table.

Municipal council members must not be held responsible for provincial decisions that result in drinking water source contamination. That simply isn't fair, and we do not believe it is the province's intention.

There are two potential solutions: either don't allow extraction below the water table or indemnify municipal councillors from decisions they do not make.

As you know, municipal governments have to demonstrate due diligence to protect drinking water sources in order to comply with the Safe Drinking Water Act. To demonstrate due diligence without indemnification, councils would have to appeal all below-water-table applications to the LPAT, given the potential of such activity to contaminate drinking water sources. This would have the unintended effect of increasing the administrative burden for LPAT and municipal governments.

Second, the proposed amendments would remove the ability of the minister or Local Planning Appeal Tribunal to consider road degradation that may result from proposed truck traffic to and from the site. This would create significant hardship for municipal governments, which are responsible for maintaining safe roads. There is no other viable tool for municipal governments that would make sure aggregate operators contribute their fair share to safe municipal roads.

Third, the bill proposes a number of changes to the aggregates act which open the door to local nuisance matters. Like the province, municipalities are an order of government. But unlike the province, we are the first responders to residents and their concerns. It's our job to work with the province and business to mitigate concerns for all. For example, the bill proposes that changes to site plans would require minister's approval. Yet it is the municipal government that has to deal with any negative outcomes, without having a say in its decision.

AMO would ask that no new or amended site plans be approved without municipal consultation and concurrence, including those that comply with regulation.

Finally, the bill proposes that expansion into road allowances can be approved by the minister. There is no assurance in the bill that one of the conditions of approval would be agreement of the municipal government that owns the road allowance. This needs to be amended.

In summary, municipal governments are pleased with many of the proposed changes. However, we strongly urge reconsideration of a number of proposals to the Aggregate Resources Act. Our greatest concern is the need for fairness around municipal liability in provincial decisions.

We thank you again for your thoughtful consideration of our advice and comments, on behalf of our member municipal governments.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation. This round of questions starts with the government. MPP Pettapiece.

Mr. Randy Pettapiece: Thank you for your presentation this morning. I come from a rural community. I live north of Stratford. We just moved off the farm about eight years ago, I think. I've always lived on a farm.

I go back a little ways, from when fences were an important part of rural Ontario. I think you might be aware that they're not as important as they used to be. When we had disputes with these types of things, generally we worked them out amongst neighbours and didn't have to get the municipality involved.

I want to talk about the Line Fences Act. One of the things that we did notice—I was a municipal councillor for a number of years down there, or over there, or up there, or wherever they want to say where Stratford is. Getting people to serve on these committees, whether it be this act or something else, that's pretty difficult. I just wonder what your experience is with this type of thing.

Mr. Jamie McGarvey: My experience is that I have served on a line fences committee for about nine years, over three terms. I found it very challenging to get people to be involved, because a lot of times, it ends up neighbour against neighbour, and it's very difficult because they're

very passionate about the situation. We certainly appreciate the two years in getting through this.

I can relate to one situation where we came to, we thought, an agreement, and we made a judgment. The one neighbour was not happy with the situation. Apparently, there is another level that you can apply to, which those of us on the committee didn't even realize. But there is another level, and the decision came down that supported what we wanted to do.

I will say that it was in an urban committee in the town of Parry Sound, so you had a lot more neighbours involved than maybe just two particular neighbours in this case. Again, it made it very challenging, because all of a sudden you were intervening between two neighbours, but that can expand to others on the street as well.

Mr. Randy Pettapiece: I was going to ask you that question about where the complaints came from, or whether it was in a town or in the country. I think most people have never even heard of this.

Mr. Jamie McGarvey: It's true.

Mr. Randy Pettapiece: If you're in rural Ontario, on the farms, you might have, but in town you haven't. They don't know anything about it.

If there's a dispute that comes up about a boundary somewhere, then the council will say, "Well, we've got to get this fellow or this person involved," and people are kind of looking around like they don't know what it is, until they get involved with it.

I know that years ago, when our animals were out in pasture—I think you probably have more of that up in Parry Sound. I don't know that, but—

Mr. Jamie McGarvey: In the rural areas.

Mr. Randy Pettapiece: In the rural areas. Most of our livestock where I'm from are confined. In fact, when we stopped milking cows, our cows only had a small, little area. It was a joke that if they ever got out, they'd probably end up drinking water in Lake Huron someplace, because there were no fences around.

But I guess any issues we did run into probably were from the removal of those fences, because people didn't know somebody was cultivating somebody's farm 10 feet over the line or some darned thing. Things get moved around a little bit. That's probably the only time that we ever used it: Where is the boundary? Where is the fence? These types of things.

0940

So, anyway, I just wanted to find out where the disputes are at times. I think townspeople, like you say, don't know this actually exists, and sometimes you have to get involved. The other thing was getting people to serve on these committees; it's getting more and more difficult. This Line Fences Act, it's just something—you have to study a little bit when you get onto the thing, because it is quite complicated sometimes.

Anyway, thanks so much for coming here today. I appreciate your input.

Mr. Jamie McGarvey: You're most welcome. Thanks.

The Acting Chair (Mr. Lorne Coe): Further questions from the government? Thank you very much.

To the official opposition: MPP Fife.

Ms. Catherine Fife: Thank you very much for coming in today. It has been interesting to travel this bill around. I think it would have been better to actually do the consultation on the front end versus on the back end. We've heard from various citizens in both London and Peterborough and other rural municipalities, actually. They've travelled great distances. For instance, in Peterborough, they travelled from rural communities to come and share their concerns about this piece of legislation.

With regard to your recommendations, I think you rightly point out that this government is removing some of the responsibility that municipalities now have around aggregates. That's particularly where my concern is. But, ultimately, the buck stops with local municipalities. The citizens come to you and they want action. They will hold local municipalities to account.

Your request around indemnification is really interesting for me, because I remember I had PTSD with indemnification, because when the Liberals brought in the Fair Hydro Plan, they brought it to the IESO. Of course, it was such a bad plan that the IESO asked for indemnification because they didn't want to be held liable or responsible for such an irresponsible piece of legislation.

I just want to better understand how your board—because I assume that it would be your board that would propose that municipal politicians would be free of any legal liability for a provincial directive. Can you just expand on that, please?

Mr. Jamie McGarvey: AMO is certainly championing the position of municipalities, because if we're not indemnified and the water becomes contaminated, basically, we can go to jail. I think that a decision that has been made by someone else and put us in that position is wrong. So we need the indemnification, if the government is going to proceed with this, to make sure that municipalities are indemnified.

There can also be unintended consequences that go along, too, that someone could have a plan and then, all of a sudden, they drop below the water table. Again, municipalities would then also, if it has contaminated the water supply—I think there are a number of areas in the province of Ontario that do rely on well water for their drinking water. We need to make sure that they're protected. There are also a number of municipalities in rural areas that have wells for the recreational centres, arenas or a variety of different locations as well, that also have aggregate producers working in those particular areas as well. So we need to make sure that, again, municipal councillors and councils are indemnified if this goes ahead.

Ms. Catherine Fife: Thank you. You say in your presentation that municipal councillors "owe a duty of care to the public and they must undertake due diligence to ensure they have done all they can to ensure water is safe to drink."

Now, you were here for my previous comments where now aggregate companies can actually change their own

site plans without municipal oversight. That should give you some concern. I know that you've addressed it here in your presentation. I don't think it's a question of being anti-aggregate, but ultimately, obviously, communities need clean drinking water. Is it safe to say that the risk is too high in instances where there's no either ministerial or municipal oversight around new aggregate development?

Mr. Jamie McGarvey: Municipalities are one of the largest users of aggregate. When I think of just the amount of road changes we've made in our community—whether it's sand and salt for the roads, or whether it's upgrading infrastructure and construction, we use a lot of aggregates. I think it's important that we look at both ends of the spectrum. We need the aggregates, but we also need to make sure that we have safe, clean drinking water.

Somehow, this needs to come together to make sure that we're protecting the people of Ontario, but also making sure that we're able to upgrade the infrastructure of the people of Ontario as well.

I would certainly hope and rely on the government—that it uses the people in its recommendations and its consideration to move forward that would protect all ends of the spectrum.

Ms. Catherine Fife: Yes, it does speak to the changing relationship between municipalities and the provincial government. I've actually never seen a recommendation that has come forward through AMO that basically says "a site plan or ... a new site plan without first obtaining the minister's written approval, based on a municipal recommendation." I mean, you're essentially asking this government to let municipal councillors do their jobs. I just want to let you know that we support that, and we'll be speaking to that later on.

In your last recommendation, sir, you didn't really get a chance to address it, but you've asked "that the province track the cumulative total of fiscal impacts of this bill on municipal governments to ensure that administrative burdens and costs are not being shifted from one order of government to another."

Of course, there are lots of changes, and we have seen a pattern where the government has, for lack of a better word, and actually not even accurate, passed the buck, because you're going to have some additional operational costs. I wanted to give you a chance to expand on that, if you would, please.

Mr. Jamie McGarvey: I think we all recognize that there is only one taxpayer, and that that taxpayer, whether they're paying it through provincial or municipal, has to pay that bill. If it's shifted to the municipal end, which we have already recognized as being top-heavy—we work on nine cents out of every tax dollar, to produce the services that affect people day to day on the front end. We need to make sure that those are protected. We are also very interested in making sure that red tape is cut, because that is costing municipalities money.

We want to make sure that this is monitored, because we don't want the municipal tax rate to go up because of things like this. We also want to make sure that we are reducing our red tape burden as well.

So we're hoping that the government will listen to this as, again, we are the front-line order of government to the people of Ontario, and we want to make sure that those people are protected.

The Acting Chair (Mr. Lorne Coe): Mr. Arthur.

Mr. Ian Arthur: Just quickly, I want to touch on the LPAT. While keeping the LPAT moniker, the government has changed the rules to more reflect what previously was the OMB, despite keeping the updated name.

Considering that this removes the Local Planning Appeal Support Centres that previously were there as an access point to that process, does AMO feel that the LPAT, in what will be its updated form, is an adequate avenue for municipalities to appeal aggregate decisions?

Mr. Jamie McGarvey: I'm going to refer that particular one to Monika.

Ms. Monika Turner: If it goes through the way it is, our only recourse is to go and appeal every single decision if they approve an application for below-water-table extractions. So we would need to use LPAT in every case. If not, we wouldn't be standing up for our residents, and we need to show due diligence.

We are very much on record of not supporting going back to a de novo approach for the LPAT, that now looks like the previous OMB. We spoke to it, and the government made their decision.

Mr. Ian Arthur: No further questions.

The Acting Chair (Mr. Lorne Coe): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: The changes to the site plan required—I'm quite interested in this part of it, just because of being a previous city councillor for several years and knowing how important the public input in a site plan is.

You've noted that if the plan is being approved without municipal consultation, local concerns about noise, dust and other nuisance factors that neighbouring property owners have—I'm just wondering if you could maybe highlight what kinds of problems a municipal planning department could have if the rights with respect to adjoining neighbourhoods, adjoining properties—if some construction was being done.

0950

I don't know if you're following me on this, but in your notes it does say that municipal staffs and councils requiring the minister's approval could cause problems with local—

The Acting Chair (Mr. Lorne Coe): Thank you. The official opposition's time is complete.

Mrs. Jennifer (Jennie) Stevens: Oh, sorry.

The Acting Chair (Mr. Lorne Coe): We'll now move to MPP Schreiner.

Mr. Mike Schreiner: Thanks, Jamie. It's always good to see you. Just to your comments around indemnification, it leads me to ask this question: If municipal bylaws to restrict the depth of below-the-water-table aggregate extraction are made inoperable through this bill, are you worried that that's going to increase risk to water in our municipalities?

Mr. Jamie McGarvey: It could very well do. That's what we need to be cognizant of, to make sure that the

drinking water is protected and that, again, municipalities, municipal councillors and mayors like myself are indemnified if this is allowed to happen.

Again, as I said, we have a spectrum here of needing aggregates on one side and clean water on the other. We need to make sure that that's balanced, but we need to make sure that safe drinking water is protected—maybe even just an individual property owner, too, making sure that arenas and municipalities, as I said before, are protected, so that they still have that clean drinking water if something goes wrong within an aggregate pit.

Mr. Mike Schreiner: And are you worried that the fiscal implications of some of these changes, particularly related to road maintenance, could actually lead to increases in municipal taxes to help essentially subsidize the aggregate industry?

Mr. Jamie McGarvey: Yes, true. You can end up having severe damage done to your roads, and if there's no compensation or some ability to make sure that you'll be able to recover some of the costs for that road maintenance, then you can end up having the burden thrown back onto the municipality. Meanwhile, someone else is profiting from the aggregates being extracted.

Mr. Mike Schreiner: Great. That's probably all my time, eh, Chair? Yes? Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your questions.

Thank you very much for your delegation, sir.

Mr. Jamie McGarvey: Thank you very much for the opportunity.

CHEMISTRY INDUSTRY ASSOCIATION OF CANADA

The Acting Chair (Mr. Lorne Coe): We're now going to move to our next delegation, from the Chemistry Industry Association of Canada. If you're present, please come to the delegation table. Good morning, sir. For the record and Hansard, if you would identify yourself and your affiliation. Thank you.

Mr. Don Fusco: My name is Don Fusco. I'm director of government and stakeholder relations for Ontario for the Chemistry Industry Association of Canada.

The Acting Chair (Mr. Lorne Coe): Thank you, sir, and welcome. You'll have 10 minutes for your presentation. I'll let you know when you're at the nine-minute point. You may begin, please.

Mr. Don Fusco: Good morning, Chair and committee members. It's a pleasure to be here today and provide our comments on Bill 132. Bill 132, in our opinion, modernizes Ontario's regulatory system in a manner that preserves the protection of human health and the environment, while putting Ontario in a better position to maintain and attract our fair share of manufacturing investments.

Our members manufacture industrial chemicals including petrochemicals, bio-based chemicals, inorganic chemicals and resins. They transform raw materials like natural gas liquids, minerals and biomass into the building blocks needed to produce some 70,000 products that we depend on every day. In fact, 95% of all manufactured goods are touched by chemistry in one way or another.

The products that our members produce are essential building blocks that supply and empower the broader manufacturing and resource sector in the province, including small to medium-size firms in Ontario and, of course, the rest of the country. In fact, addressing the challenges of clean energy, clean air, clean water and a sufficient supply of safe and nutritious food on a global scale is entirely dependent on chemistry-based solutions.

With $24 billion in shipments, our sector is the third-largest manufacturing sector in the province, directly employing over 46,000 in well-paying jobs and supporting another 230,000 jobs in the province in other sectors. We are also the second-largest manufacturing trader, accounting for $60 billion worth of imports and exports alone in 2018. Our members are key employers in the Sarnia-Lambton, GTA-Niagara and eastern Ontario regions of the province.

We are in the midst of an investment rejuvenation in North America in our sector. In the United States alone, over US$200 billion of projects have been announced or are under way since 2010. Since 2017, $12 billion in new projects have been announced or are under way in Alberta, with up to another $20 billion in projects expected. In Ontario, which has long been Canada's largest chemistry sector, we've earned $3 billion in new chemistry investments. But based on the historical share of our investments in this province, comparatively speaking, we should have garnered another $10 billion to $12 billion in new investments.

All actions by CIAC members are governed by Responsible Care. Responsible Care is the flagship initiative of our industry that ensures our members innovate for safer and greener products and processes; work to continuously improve their environmental, health and safety performance; and meaningfully engage with their local communities. Launched here in Ontario in 1985, it has now been adopted in over 70 countries around the world and is recognized by the United Nations as a gold standard in sustainability. Our members dedicate themselves to sustainability for the betterment of society, the environment and the economy.

Responsible Care companies are committed to achieving the highest standards of workplace safety. Each company has a systematic program to provide to its employees and all other involved personnel with the necessary knowledge and tools to recognize potential safety, health and environmental hazards. I want to impress on you that in our sector, occupational health and safety is a shared experience amongst companies that may compete against one another. It's not just a company secret.

CIAC members report that workplace injury and illness incidents have dropped by 78% to 0.87 incidents per 200,000 hours, a level that is one of the lowest injury rates in all of Canadian industry.

For Bill 132, section 34: The regulatory framework for occupational health and safety in Ontario is comprehensive, stringent and prescriptive. An element within Bill

132 is the repeal of section 32 in the Occupational Health and Safety Act.

Federal regulations place the onus on industry to prove new substances are safe for their intended use and do not introduce unacceptable risk to workers, consumers or the environment. Moreover, decisions on approving new substances and any conditions placed on the use of new substances are assessed in a science-based manner and are published regularly in the Canada Gazette and the Canadian Environmental Protection Act registry. These long-standing and effective regulations remain in place and are deemed sufficient by every other province.

Furthermore, joint federal-provincial and provincial regulations prescribe the classification of workplace chemicals, the safety labelling and comprehensive data sheet information as well as the training, personal protection, first aid and workplace exposure limits.

The section 34 requirement exists only in Ontario. We do not believe that it significantly improves the workplace safety regulatory landscape in the province. Furthermore, it is unclear the extent to which compliance for notifications under section 34 have been measured. As such, we believe section 34 should be repealed.

Another Ontario-only regulation that Bill 132 proposes to repeal is the acetone emission reporting requirement, O. Reg 127/01. In 2014, after carrying out a science-based screening assessment, the federal government determined that acetone was not considered a toxic substance under the Canadian Environmental Protection Act and is not entering the environment in a quantity or concentration that constitutes a danger to human life or health. Furthermore, the federal government also stopped requiring acetone reporting under the National Pollutant Release Inventory after 1998 as ambient levels were below the levels considered harmful to human health and not likely to adversely impact the environment.

Remaining measures under the federal-provincial authority in Ontario include the Canadian Environmental Protection Act, the Environmental Protection Act here in Ontario, environmental compliance approvals and local air quality O. Reg 419/05. We'll continue to ensure appropriate compliance and enforcement measures regarding acetone.

1000

The final item that I'm commenting on: The Ministry of the Environment, Conservation and Parks's cumbersome paper-based hazardous waste manifest process must be digitized. We support the current regulation and reporting requirements. Reducing the unnecessary burden without changing the regulatory and reporting requirements will enable our members to more effectively apply their resources on matters that add value, and will also benefit the ministry's operations by receiving information in real time, enabling improved processing and review efforts.

We note that the ministry announced the formation of a stakeholder working group in 2018 to provide advice on regulatory amendments to support the digitization of hazardous waste manifests. Now that Bill 132 proposes to transfer the responsibility to the Resource Productivity and Recovery Authority, we impress the need to expedite the delivery of a digitized version that meets the expectations of generators, shippers and receivers in the most effective and efficient manner.

In summary, CIAC and its members support the measures contained in Bill 132 that remove duplicative and costly regulations that add no value to Ontario citizens and the environment beyond which are already provided by the overarching existing federal and provincial regulations. Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you, sir. This round of questioning will start with the official opposition. MPP Fife?

Ms. Catherine Fife: Thanks, Don. It's always good to see you. As you know, in the past when I've come to speak to your group I've been very—we're very supportive of your Responsible Care program. I think it shows great leadership on behalf of your sector. But I also acknowledge that it was developed because the chemistry industry had a reputation, and you recognized that in order to address some of those pitfalls—because not all actors in the chemistry industry are held to the same account. As your group came together you developed Responsible Care, and I think it's a really good program, so I want to put that on the record.

Mr. Don Fusco: Thank you.

Ms. Catherine Fife: The problem with Bill 132, though, specifically around the AMPs—the administrative monetary penalties—this is a pretty huge concern for us. Schedule 9 proposes to change the AMPs from a per diem penalty to a per contravention penalty.

Traditionally, with every day that passes, a company would be fined and therefore motivated and incentivized to actually clean up that spill, because it would cost them more at the end of the day. Instead, there would be a maximum of $200,000, regardless of how many days that company continues to pollute.

As an industry that has taken ownership and leadership on bad actors in the sector, because there are bad actors in every sector, do you not have a concern with this? This schedule could actually undermine the good work that the chemistry industry has already done.

Mr. Don Fusco: We seek opportunities for Responsible Care to be recognized and opportunities to bring more companies under the Responsible Care umbrella. Regulations, such as the expansion of AMPs certainly, would be an opportunity where we would be pleased to engage in further opportunities to find ways to bring more companies into the Responsible Care umbrella and to export, shall we say, Responsible Care to other sectors in the province.

Ms. Catherine Fife: Okay. Thank you very much. No further questions.

The Acting Chair (Mr. Dave Smith): Ms. Stevens?

Mrs. Jennifer (Jennie) Stevens: I'm just going to tag along on what MPP Fife had asked you. Changes to the environmental penalty to be a maximum of $200,000; previous rules said that each day that an offence occurred,

they would have to pay not less than $5,000 and not more than $400,000 on the first conviction.

In my city, St. Catharines, on the waterways there was an illegal substance that was called clinker dust that was being dumped within a residential area, right on to Lake Ontario, on the canal, and it was travelling throughout. But with the past fines that were done per day, instead of per contravention, as MPP Fife stated, it was cleaned up fast.

I'm just wondering: Do you feel that if a one-time fee or a one-time penalty is done, that will make sure that it will be cleaned up sufficiently?

Mr. Don Fusco: Sure. The AMPs program is one enforcement tool. Companies that have that discharge are regulated by environmental compliance approvals.

We are also in a day and age where there is significant public and local community advocacy and attention placed on those who are not meeting the standards—and a hold to account in a public forum as well.

Certainly, administrative penalties are a serious force of compliance. The reputation that companies have will certainly be debated in the public in instances like that.

We certainly see Responsible Care, as an example, as an item that can be—

Mrs. Jennifer (Jennie) Stevens: Sorry to interrupt. Do you feel that if you take away that daily fine, it would cost them, at the end of the day, to clean up the chemicals that were there, or a company that puts chemicals there—it would definitely be a detour to them, would it not, instead of the one-time thing?

Mr. Don Fusco: I can't speak to one particular incident in theory. The proposal has the regulatory compliance approach, and penalties for contraventions. I'll leave it at that.

Mrs. Jennifer (Jennie) Stevens: Okay, then.

Interjection: No further questions, Chair.

The Acting Chair (Mr. Lorne Coe): No? Okay, thank you. To MPP Schreiner.

Mr. Mike Schreiner: Thanks, Don, for being here. It's good to see you.

Mr. Don Fusco: It's good to see you again.

Mr. Mike Schreiner: I'm a business owner myself. I want to echo my colleague's compliments to you for the Responsible Care program. I'm just thinking as a business person: Is it a stronger incentive to clean up, when you have a toxic spill event, if you have the certainty of possible daily fines or the uncertainty of maybe being litigated? What, to most businesses, do you think provides a stronger incentive to clean up a spill?

Mr. Don Fusco: A combination, certainly, and an ethic to ensure and prevent that from happening in the first place. I think that having the penalties placed together, which my submission is not touching upon—the current and proposed administrative monetary penalties that exist, followed by strong enforcement by ministry officials, are there to protect Ontarians.

Mr. Mike Schreiner: Also, I just wanted to ask you about section 34 in the Occupational Health and Safety Act. We've had organizations representing workers come and express concerns that if the ministry isn't informed of the agents being used, it will be harder for the ministry to protect the workers and the public. What would be your response to those concerns?

Mr. Don Fusco: Every single substance that is to be used must be approved by the federal government. That process exists. Section 34 does not exist in any other province in Canada. The other provinces rely upon the federal registries, for instance, for the new substance notification process, and can establish information-sharing agreements with the federal government to do that.

The Acting Chair (Mr. Lorne Coe): Thank you, sir, for your response. We'll now move to the government and MPP Bailey.

Mr. Robert Bailey: Thank you, Don, for your presentation today. Just a couple of statements I wanted to get on the record: Responsible Care is recognized worldwide as a very efficient program. I'm proud to say that a company that I spent 30 years with, Nova Chemicals—and it was piloted in Sarnia–Lambton and was created and is followed by many industries in Ontario. I echo your comments about how we'd like to see that exported across the province and maybe across Canada and maybe into other countries.

Just a little bit on my experience in the industry: I spent 30 years there. It's hard to believe, but anyway, I spent 30 years there. Towards the end, I was in a supervisory capacity. My boss always wanted to know if there was any type of spill, any type of reaction to the environment, and he was held accountable by his boss because of Responsible Care. It's not like anybody wants to let these things linger. If there is a spill, it's cleaned up immediately. There are penalties for staff if they've made a—if it's an accident, fine, but if they made a screw-up. That's all because of Responsible Care and because of responsible management. No one wants these headlines, no one wants to see their company name—they spend millions of dollars to build those reputations.

1010

Could you speak to the impact across the province—and in Sarnia specifically, Sarnia–Lambton—on Canada's reputation with the investment by Nova in their $2-billion-plus hydrocarbons?

Mr. Don Fusco: Nova Chemicals, you're right, is expanding their operations in Sarnia. It's a $2.2-billion expansion to their ethylene and polyethylene manufacturing. The direct jobs from the expansion are going to be about 250. However, the construction jobs that started earlier this year through to 2022 will bring about a daily peak of over 1,500 workers onto the site every single day. Furthermore, the ongoing operation of that expansion will drive about 800 to 900 contract third-party jobs, which are permanent jobs, to Sarnia, above and beyond the direct jobs that Nova will employ.

The expansion is very capital intensive. There's a lot of intensive equipment that is being used to create the additional cracker capacity in the polyethylene production. What is required is local skilled trades. Of the $2.2 billion, I believe it's in the neighbourhood of over 50% of that value that's going to be spent in Ontario in terms of

the local supply chain and contract workers to assemble all the components and bring that facility up to line. So that is a huge economic spinoff that will continue.

It's great that we have that investment. What's regrettable is that there should have been three or four more like that that should have occurred by now in Ontario. As I mentioned, in North America, rejuvenation is going on based on—the other aspect I should say about the Nova investment is that key to that is the switch from crude oil to natural gas liquids, which is a much cleaner, lower-carbon feed stock. Their greenhouse gas emissions and other emissions are going to drop on an intensity basis between 50% and 70%. It's a good-news story in that it's much more environmentally favourable, and, obviously, it's an example of balancing the economy with the environment.

Mr. Robert Bailey: So it would be fair to say that if we hadn't gotten that investment—and I'd like to get on the record that the Ontario government also stepped up to the plate with a lot of lobbying by some people, to the tune of $100 million toward that. The province of Ontario, the taxpayers, have got skin in the game, to use a sports analogy. They've got skin in the game, the taxpayers as well—$100 million toward that $2-billion private sector investment.

If we hadn't gotten that, that would have been a real black mark on the future of the chemical industry in Canada and in Ontario. We need more of that, but if we hadn't gotten that, we would not be in a good position.

Mr. Don Fusco: The Sarnia–Lambton cluster specifically is at a point now where over the next 15 years, a renewal of the facilities and infrastructure is required to maintain the competitiveness of it. Certainly the US and the Gulf Coast region are a global-scale cluster, but there is a new cluster forming about 300 miles south of Sarnia in western Pennsylvania. That has the opportunity to take away any of the new investment opportunities that should be coming to Sarnia, if we don't maintain a competitive playing field to attract those investments.

There is a concern that the long-term future, health and viability of that sector, and the jobs that rely upon that, will be suspect if we don't continue to attract new investment. And again, every time you get a new investment, you're installing the most current and the highest-performing environmental equipment. So every new investment brings about economic benefits, but it also improves environmental performance of every facility.

Mr. Robert Bailey: Thank you.

The Acting Chair (Mr. Lorne Coe): Any further questions on the government side? No? Thank you, sir, for your delegation.

Mr. Don Fusco: Thank you.

REGISTERED NURSES' ASSOCIATION OF ONTARIO

The Acting Chair (Mr. Lorne Coe): I would invite the Registered Nurses' Association of Ontario to the table, please. Good morning, and welcome to the committee. For the record and Hansard, if you could please introduce yourselves and start your presentation. You have 10 minutes. I'll let you know when you have one minute left. Thank you.

Ms. Hilda Swirsky: Good morning. My name is Hilda Swirsky, and with me this morning is Susan Munro. We are registered nurses here on behalf of the Registered Nurses' Association of Ontario. RNAO represents 43,500 registered nurses, nurse practitioners and nursing students across this province. We speak out for nurses and we speak out for health.

Susan and I are both members of the Ontario Nurses for the Environment interest group of RNAO. We support the work of RNAO through our passion, special interest and expertise to illuminate the link between the environment and health issues. RNAO senior economist Kim Jarvi is also joining us. On behalf of RNAO, we thank you for the opportunity to speak to you this morning.

We are here to urge you to withdraw those elements of Bill 132 that reverse current environmental laws, in particular schedules 9 and 16. On matters of human life and health, we as nurses value the precautionary principle. In the view of RNAO, the inclusion of environmental legislation vital to human life and health in an omnibus bill that impacts over 80 pieces of legislation suggests that the government is not proceeding with caution. The inadequate public consultation, the minimal posting period on the ERO and the rush of Bill 132 through the Legislature under time allocation is a long way from cautious conduct.

Two high-priority examples are the proposed amendments to the Pesticides Act and to the Aggregate Resources Act, weakening more than one dozen environmental safeguards amended by Bill 132.

Our view on the Pesticides Act is informed by our role in the lengthy consultations shaping current pesticides legislation. RNs and other health organizations backed much stronger protections against pesticides for a number of reasons. Many epidemiological and laboratory studies link a range of health problems to pesticide exposure, including cancer, dermatological effects, birth defects and other reproductive damage, neurological and developmental toxicity, genetic damage, immunotoxicity and endocrine disruption. The risk to health comes not only from active ingredients, but also from untested so-called inert substances.

As nurses, we particularly know that extra precaution is needed for unborn fetuses, infants and children. Children tend to get greater exposure whenever pesticides are released because of their behaviour and play, and exposure can begin in utero, when critical physiological development occurs and continues while organs and tissues grow. Children have a longer time ahead of them for exposure to pesticides and to develop resulting cumulative health problems.

Detection of pesticide damage in individuals is difficult, as physicians are not generally well trained in recognizing pesticide poisoning; thus people do not receive early warning signs that would allow them to take action in time.

1020

We also have grave concerns about the impact of the proposed legislative amendments on pollinators. On the basis of impeccable evidence about the devastating effects of neonicotinoid pesticides on, in particular, bees, health and environmental organizations like RNAO fought hard for the legislated restrictions on the use of neonics that were brought into effect in 2015. Beekeepers still face high winter bee mortality, and continued use of neonics is a contributing factor. More, not less, as Bill 132 proposes, needs to be done to restrict the use of neonics. Bill 132 would remove essential oversight over neonic use and weaken existing protections against all pesticides.

Ms. Susan Munro: Much like pollination, water is critical for health and ultimately life. The World Health Organization declared, "Domestic water supplies are one of the fundamental requirements for human life. Without water, life cannot be sustained beyond a few days and the lack of access to adequate water supplies leads to the spread of disease."

We want to underscore to this committee that 18% of Ontarians lie outside the municipal water protection. In this context, the precautionary principle dictates that proposed changes do not negatively impact an already delicate rural water supply and impose unacceptable environmental and health risks to communities relying on wells for life and agricultural use.

In the last review of the ARA, there was strengthening of section 12(1)(e), which was revised to stipulate that the minister or LPAT have regard to "possible effects on ground and surface water resources including on drinking water sources" when considering a licence. The proposed Bill 132 re-creates risks to water supply and drinking water in rural Ontario.

The proposed bill affects the food we eat, the water we drink and the air we breathe. Air pollution with fine particulate matter directly impacts the health of the population, provoking breathing emergencies, exacerbating asthma, and leading to lung cancer and cardiovascular disease. Through both the dust produced by heavy trucks transporting aggregate and the mining itself, particulate matter is released at the expense of those in the area. The risks of mining on community air quality in Ontario are great, and regulations must be both cautious and protective.

Therefore, we recommend:

That you consider impacts of aggregate mining on air quality and that you also consider that with transportation. Impacts can be severe and far-reaching.

You must subject any applications to extract aggregate below the water table to a full environmental assessment and dismiss outright pumping in perpetuity, as there are long-term implications to both water quality and quantity in the ecosystem.

Take into account the implications of climate change. Approximately 2.7 million rural Ontarians are reliant upon source water, often on low-yield aquifers that are vulnerable to low water conditions. Many areas of Ontario had low water conditions declared by their conservation authorities three out of four years, this summer being the last.

Take into account the local circumstances and unique needs of communities, as your Made-in-Ontario Environment Plan suggests. The proposed removal of municipal authority over their own groundwater resources through zoning law restrictions on the depth of extraction weakens groundwater protection and conflicts with municipal responsibilities.

We recommend that all new aggregate licences be put on hold until a fulsome review is done of the actual need for more aggregate and of the health and safety risks of quarrying in the context of emerging research.

Again, in the made-in-Ontario plan, Ontario water is part of the province's life-support system, and it declares that it will take strong action to protect water sources. This plan also commits to—

The Acting Chair (Mr. Lorne Coe): Excuse me. You have one minute left in your presentation. Thank you.

Ms. Susan Munro: —protecting air and human health through strong environmental standards. These commitments require fuller consideration and consultation. We want to ensure that the changes strengthen rather than weaken.

In conclusion, as nurses, we are advising that the environmental legislation in Bill 132 is ultimately tied to human health. We urge you to remove it from the bill and provide this province with the opportunity to understand the consequences, and we urge you to move forward on the basis of the precautionary principle and insist on proof of safety rather than await proof of harm.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your delegation. This round of questioning will start with MPP Schreiner.

Mr. Mike Schreiner: Thank you, Ms. Swirsky and Ms. Munro. Good to see you again.

Just to be clear: you believe that the reduction in environmental protections in schedules 9 and 16 poses a public health threat, possibly, and could increase burdens on our health care system.

Ms. Susan Munro: I'll speak to schedule 16, and I'll let Hilda speak to schedule 9.

I truly do, because with mining below the water table in municipalities that do not have that protection of the source water protections, we could be without water. And particularly when you add into that climate change, we don't know. That's why I have recommended before that licences be time-limited, because we do not know what the future holds with climate change and so on. So yes, it definitely is a health risk.

I did mention as well about the air: When you live around a quarry, you are breathing quarry dust.

Ms. Hilda Swirsky: As I said, RNAO played a very, very significant role, a major role, in partnering with the David Suzuki Foundation at times to go from municipality to municipality to get changes to the Pesticides Act. Now this bill is really weakening and destroying some of what we fought so hard for. We spent a long time—municipality after municipality—and we are a gold standard with the

Pesticides Act that people are looking at, because there was so much consultation and concern, and we had municipalities involved in forming the current Pesticides Act.

Mr. Mike Schreiner: I'm assuming my time is almost up, so I just want to thank you for making the link between environmental protections and public health and the burdens on our health care system. I think it's really important.

The Acting Chair (Mr. Lorne Coe): We'll now move, please, to the government side. MPP Harris.

Mr. Mike Harris: I just want to say that it's good to see you again. Thank you for making the trip down. I just wanted to quickly put a little bug in your ear that we are having some further conversations about some of the things you talked about.

However, I'm going to pass it off to my colleague MPP Khanjin.

Ms. Andrea Khanjin: You certainly wear a lot of hats, so thank you again for coming and for all of the things that—

Ms. Susan Munro: This time it's a cap—a nurse's cap.

Ms. Andrea Khanjin: A nurse's cap. I like that. Yes, thank you.

I just wanted to get your opinion and comments on—as part of this act, obviously, the government has agreed to keep the cosmetic ban in effect.

Ms. Susan Munro: Sorry, can you say—

Ms. Andrea Khanjin: As part of this bill, the government has agreed to keep the cosmetic pesticides ban in effect—and what your opinion is on that.

Ms. Hilda Swirsky: Which is a very good thing, but they are still weakening other aspects of this.

Kim, would you like to—

Mr. Kim Jarvi: Yes. We're grateful that the act has not been removed, and we know that CropLife does want it gone. But we're grateful that it's there, but it has been weakened in several respects, like the types of pesticides that could be used. The threshold could rise; it is the case that golf courses, for instance, won't have to hold any meetings on their usage, and the exemptions have expanded. And then, of course, we have the concerns of the neonics under the regulation—there's significant weakening there.

Ms. Andrea Khanjin: The other things that I wanted to get your thoughts on—and thank you for your support on the cosmetic ban extension, the definite cosmetic ban. We had a witness who came in. There are a few things that got mentioned: particulate matter and how that affects the health and environment—of course, people's lung health and whatnot; and also someone who came in to talk about long combination vehicle safety. Part of Bill 132 is an item in there that talks about long combination vehicles. They're the trucks that move products to market. One of the things that was mentioned is the change in the bill about LCVs, long combination vehicles. It's going to make sure that the loads are using 30% less fuel, which is going to be a reduction in greenhouse gas emissions. We're talking about emissions and lung health and whatnot. I just wanted to get your input on what the changes to the long combination vehicles mean to you in terms of the reduction of greenhouse gas emissions this would entail, and the fact that it is a 30% reduction of fuel costs and what that would mean for the environment and health.

1030

Mr. Kim Jarvi: I didn't do a dive into it. Did you do it?

Ms. Susan Munro: I didn't get into that particular thing. I stuck more with the aggregate, which I've been studying now for over seven years—what's happening with the aggregate industry and human health.

Ms. Andrea Khanjin: But are you supportive of things that would reduce greenhouse gas?

Ms. Susan Munro: Absolutely, anything that reduces that type of toxicity. But I would really rather sway this community to some of the other things like air and dust studies that need to be done in and around aggregate sites.

Ms. Andrea Khanjin: Thank you.

The Acting Chair (Mr. Lorne Coe): Further questions? We'll move now to the official opposition. MPP Fife, please.

Ms. Catherine Fife: Thank you, Kim, Susan and Hilda, for coming. I'm so happy that the nurses weighed in on this piece of legislation. The province of Ontario right now has a health care budget of just over $60 billion. We're predicted to go to $73 billion by 2022-23. The smart money in health care is on prevention. I know that this is a long-standing message from the Registered Nurses' Association of Ontario, and I want to thank you for that.

You raised some very key points, particularly around changes to the Pesticides Act. I know that you're grateful that it's still enacted, but I don't think we should be grateful, in 2019, that a government is keeping a preventative piece of legislation in place which has proven through evidence and research to keep children, in particular, healthy. I thank you for putting that lens of this act, because when the Canadian Environmental Law Association came to us, they articulated so well what the concerns are with these changes. Because being grateful that we have some laws around pesticides is not a progressive position, in our view.

They went on to say that their concerns around schedule 9 are that "schedule 9 proposes to amend the Pesticides Act in a manner that may result in the expanded use of cosmetic pesticides for non-agricultural purposes. This is because schedule 9 proposes to move the list of permitted pesticides from the current regulation to a discretionary bureaucratic list." They're also opposed to the schedule 9 proposal to abolish the Ontario Pesticides Advisory Council. This was a council that was non-partisan and gave expert advice to every government, including Conservative governments, since the 1970s.

They've gotten rid of a non-partisan advisory council, they've moved the permitted pesticides from a regulation to a discretionary bureaucratic list—who do you think this government is listening to? Because this is moving health promotion and toxic reduction to exactly the wrong direction, in our view. I just want to give you a chance to talk to this, please.

Ms. Hilda Swirsky: The thing about a discretionary list is that it doesn't provide much incentive for people to go ahead and comply. Unfortunately, when government regulates, then people comply; sometimes, if it's discretionary, they make sure they don't. The real concern about pesticides is not only that we are weakening what we have already achieved so far—removing the advisory council is also not a good thing—

Ms. Catherine Fife: I mean, it begs the question: Who do you think this government is listening to? Because they are not listening to research, evidence and science. Who are they listening to?

Ms. Hilda Swirsky: Kim?

Mr. Kim Jarvi: It was interesting. CropLife came out—

Ms. Catherine Fife: CropLife?

Mr. Kim Jarvi: CropLife is the organization that represents the agrochemical industry and the pesticides industry. Two days after the bill emerged, they had a full analysis for their members on the implications on the pesticides front. They took full credit for it for their extensive lobbying.

Ms. Catherine Fife: So CropLife Canada? Is that right?

Mr. Kim Jarvi: CropLife Canada. That's correct. Obviously, if they were able to come up with a full analysis in both official languages, they must have had more information than we did. Within two days—or they're really fast.

Ms. Catherine Fife: Thank you for that; I didn't know that. For us, as you hear voices of concern who are strongly articulating their concerns, particularly on schedule 9 and schedule 16, it's about priorities, about who you are listening to and how that informs legislation—and then, of course, the weakening of some regulations.

We had one delegate who came to us in Peterborough and he has concerns—he's a citizen. He said, "This will make it easier to pollute in the province of Ontario." This will compromise our health care ecosystem, as you rightly point out, particularly around children and cancer and particulates in communities. These are real concerns that citizens have. He said, "Perhaps you need to put yellow tape around this red tape bill," because people have not felt that they've been part of the process. They see their democratically elected councils being undermined.

AMO just came and asked for indemnification in case source water protection is poisoned. Never in a million years did I ever think that AMO would say, "We need to not be legally liable for what has traditionally been our job."

I just want to say, I think that putting the health lens on environmental regulatory changes is so key right now, because the smart money is on prevention. As you rightly pointed out, without water, there's really no point. Polluted water is bad for business—maybe we should start putting that on our licence plates in the province of Ontario.

Please go.

Ms. Susan Munro: May I just say that it isn't polluted water that I am as concerned about in the rural community; it's the lack of water. When you have a low-yield, vulnerable aquifer—I'll give you this example. In 2016, there was absolutely no rain in Ontario. I asked for the pumping records from the company next to me, and he was pumping. Yet he claims he only pumps rain and snow. I'm saying, "How did you pump when we've just had a six-week drought?" It was coming out of the aquifer, and wells all the way around were going dry, and yet we could not prove what was coming out of that aquifer was causing those dry wells.

To me, it's as much quantity as it is quality. Even bad water, in third-world countries, is water. We're going to end up here a third-world country with no water in some of rural Ontario if we don't smarten up.

Ms. Catherine Fife: That's a very important point, and I want to thank you for that.

The government has done one good thing on this, and that is they have held the moratorium on water taking. But I'm surprised that Nestlé isn't here asking the government to not pollute their profit margin, because they take 500 million litres from aquifers on a regular basis for very little money. The risk that this government is contemplating on source water protection and on draining current water levels in this province is really unprecedented.

Mr. Kim Jarvi: We'd also like to add that we're very much in support of reducing red tape, but we don't support reduction of health protections, and we don't want to confuse the two of them.

Ms. Catherine Fife: Yes. That should be the new title of the bill.

Do you have something to say?

The Acting Chair (Mr. Lorne Coe): MPP Arthur.

Mr. Ian Arthur: Thank you so much for your presentation. I continue to be impressed by the presentations of your association. I remember the first time, in Bill 4, the detailed analysis that you provided of air quality in Toronto and the changing of smog days and then the outcomes that had on people's breathing and health. I have asthma. It's something I've had my entire life, and I continue to live with.

I wondered if you would talk a little bit more about the particulate matter and the effects on breathing that can come off of quarries.

Ms. Susan Munro: It's really difficult in my area, because part of the zoning in the official plan amendments was to include air and dust studies, which the proponent did not do either. Yet they moved the approval on through without the required studies.

Again, I will not speak to, because it's before LPAT—but we do know this. We do know that there's dust on crops enough that it has changed the pH. If you've got enough dust sitting on crops that changes the pH, you know that that same dust is going into human lungs.

1040

Mr. Ian Arthur: Sorry. Dust on crops, as in farmers' agribusinesses—

Ms. Susan Munro: Farmers' crops, yes.

Mr. Ian Arthur: —surrounding aggregate extraction are being negatively affected by that aggregate extraction?

Ms. Susan Munro: That's right, absolutely. We have a gentleman in our group that has a degree from Guelph and works with the federal government that did soil sampling, and it changed the pH of soil such that the farmers have to add more chemical to their product, which goes out to your diet, in order to grow the crops, because the dust blowing in the westerly direction—he presented that—

Mr. Ian Arthur: It's very interesting, because one of the deputants later today is from the OFA, the Ontario farmers' association. I'm glad to hear you bring that point up, because when we're talking about advocating for rural Ontario, certainly I know that the government members like to mention how much they support farmers, but this could actually have a dramatically negative effect on farmers.

Ms. Susan Munro: And you've got to also remember that the quarry where we are is currently growing corn and soybean, and we're digging up corn and soybean to dig out rock.

Mr. Ian Arthur: Thank you.

How much time left?

The Acting Chair (Mr. Lorne Coe): You've got 9:35 right now, and that's the time to ask questions.

Thank you very much for your delegation.

Ms. Susan Munro: Thank you.

CANADIAN MANUFACTURERS AND EXPORTERS

The Acting Chair (Mr. Lorne Coe): Our next presenter is here a bit early, and with the agreement of the committee I'd like to proceed. All right? Thank you.

Sir, if you could please attend the table. Thank you. Our next presenter is from the Canadian Manufacturers and Exporters. If you could identify yourself for Hansard, and you'll have 10 minutes to make your delegation. I'll give you a one-minute warning as you approach nine minutes. Okay?

Mr. Alex Greco: Thank you, Mr. Chair. Alex Greco, director of policy and government relations with Canadian Manufacturers and Exporters. Good morning, everyone, and thank you for inviting me here today to represent our 2,500 direct members and to discuss Bill 132, the Better for People, Smarter for Business Act, 2019.

Manufacturing drives Ontario's economic activity, wealth generation and overall prosperity. The sector directly accounts for over 12% of the province's GDP, with nearly $300 billion in annual shipments, $200 billion in exports and 770,000 jobs.

These numbers show that manufacturers matter to Ontario. However, these numbers are only part of the story. The sector is still struggling, and recent economic trends have us concerned. Consider the following: Ontario is 45th out of 60 jurisdictions across North America as it pertains to individual GDP per-capita growth. That means we are only the fourth-best Canadian province and in fact 18% poorer than the average across Canada and the United States. While we like to compare our province to California and New York, we are more like Montana and Kentucky.

To make matters worse, Canada scores poorly on per-worker investment on things like new plants, equipment, and intellectual property. The average per-worker investment in Canada is $15,000, whereas the average in OECD countries is $21,000, and in the US it is $26,000.

Speaking of the US, the country's investment in Canada has halved, while Canadian investment in the US has tripled. In four short years, Canada has swung from a $15-billion net inflow of investment from the US to a net outflow of nearly $60 billion. These numbers show that we are still headed in the wrong direction, and with declining investment and waning business confidence comes less productivity, innovation and job creation.

In the spirit of this legislation, it is important to emphasize that business investment and reducing the regulatory burden for manufacturers go hand in hand. In 2018, CME released a comprehensive plan to double manufacturing output and growth from $300 billion to $600 billion by the year 2030. When we consulted Ontario manufacturers on the plan, they continuously identified the regulatory burden as being a significant impediment to investment in the province. Despite recent measures by the government to reduce red tape, our members continue to tell us that they still face high operating costs due to Ontario's regulatory regime. In fact, the World Economic Forum recently ranked Canada only 35th in terms of the best regulatory regimes compared to other OECD countries. This underscores the point that a jurisdiction's regulatory regime can impact a company's ability to make new investments, expand and modernize their operations, export, and improve its environmental performance.

The reality is that manufacturers need to operate in a simple regulatory environment that is transparent, predictable and reliable. It also must align with business processes and be data-driven and outcomes-based. With this in mind, I would like to offer our comments about a few parts of Bill 132 that are relevant to the manufacturing sector.

Generally speaking, we support this piece of legislation; however, we would like to offer some constructive comments about one particular aspect of the bill, offer one additional recommendation and some words of caution as we look ahead to the 2020 budget.

First, this legislation proposes to have the government work with the Resource Productivity and Recovery Authority to change its mandate to include the development and delivery of digital waste and resource recovery reporting services and offer easier, faster reporting for the regulated community. On paper, this sounds promising. However, it is important to keep in mind that right now the recently developed registry system has an expensive one-time cost and there are ongoing fees and expenses related to RPRA. Depending how the new system is designed and implemented, it may not even be workable for packaging manufacturers and for blue box stewards. The devil is in the details, and if the new system is not designed and implemented correctly, manufacturers could incur more costs and more red tape within their businesses.

Second, we were encouraged to see that the legislation included the removal of provincial acetone requirements. This action taken by the government will allow Ontario to align with the federal government and other Canadian jurisdictions that have not required acetone release reporting since 1998. Currently, the federal Chemicals Management Plan program assesses and manages chemicals in Canada. In 2014, after carrying out a science-based screening assessment, it was determined that acetone was not entering the environment in a quantity or concentration that may constitute a danger to human life or health. Ontario's air standard for acetone under Ontario regulation 419/05 will continue to ensure that manufacturing plants do not release concentrations of acetone into the air that are harmful to human health.

Third, we are pleased to see that the employment standards policy and interpretation manual will be made public for manufacturers. As a result of this change, manufacturers will be able to access the manual online for free and obtain the necessary information that they require under the Employment Standards Act. In the past, this manual was not made available online and manufacturers would have to pay a subscription fee in order to access this information. With this information being made available for free to manufacturers, employers can more easily determine their rights and obligations to their employees.

Fourth, we welcome actions to reduce the administrative burden for drug manufacturers and pharmacists. Wherever possible, we need to ensure that regulatory requirements related to prescription drugs are updated and brought in line with other provinces and territories across Canada. These changes will help bring down the cost of medications and help the province be prepared for potential drug shortages.

Finally, we applaud the government for taking steps to allow long combination vehicles to travel during peak travel times in the greater Toronto area. For local manufacturers to compete within North America and around the world, they need to be able to move their goods quickly, efficiently and safely. By updating the rules to permit more long combination vehicles on Ontario's highways, manufactured goods can be transported to customers more quickly and safely across the province.

I would now like to conclude my remarks with one important recommendation to this committee along with some cautionary words as we look ahead to the 2020 budget. While we appreciate the semi-annual red tape bills, the continuous cycle of these pieces of legislation and action is limited in scope by its very nature. The government can only effect change on a limited number of regulations and those regulatory changes do not affect the culture of over-regulation that has been developed in the province over several years. Rather than one-off regulatory changes, we continue to call on the government to introduce a regulatory bill of rights. A bill like this would help shape all regulations in the province and provide clarity, balance and consistency for all users and appliers of regulations—both current and future—something that currently is desperately missing in Ontario's regulatory environment.

It is also important to note that our sector cannot achieve growth and prosperity by just cutting red tape, repealing legislation, renewing regional program funding and introducing piecemeal measures. As we look ahead to the 2020 budget, CME is calling on the government to focus on creating more manufacturing jobs by implementing significant measures to lower electricity costs, introduce new tax incentives to help companies scale up, adopt new technologies, improve company training and environmental performance, and announce more measures to ensure more fairness, transparency and accountability in Ontario's industrial property tax system. Our solutions are explained in full detail in documents I will submit to this committee later today.

We must think big, be bold and take necessary action sooner rather than later. If we want to have a thriving manufacturing sector like Ohio, Tennessee and Alabama and create wealth for the province and each Ontarian, more action must be taken by this government. Otherwise, it won't be long before more companies decide to downsize operations and perhaps close altogether.

I thank you for the opportunity to present today. I look forward to your questions.

1050

The Acting Chair (Mr. Lorne Coe): Thank you, sir, for your delegation. This round of questioning starts with the government side. I have MPP Skelly.

Ms. Donna Skelly: Thank you, Mr. Greco, for your presentation. As you know, our government is focused on creating an environment where businesses can do what they do best, and that is create good-paying jobs and help us grow the economy. But we also recognize that they have struggled under hundreds of thousands of pieces of duplicative and burdensome regulation, and we are tackling that by getting rid of some of this red tape, doing so while protecting the health and safety of our workers, our residents and the environment.

We inherited a government, as I said, that was drowning in red tape, a province that saw the loss of 300,000 manufacturing jobs under the previous Liberal government. Can you speak to the difficulties that your stakeholders face when they are up against this mountain of regulations, especially and specifically when they are duplicative—already being governed under federal regulations?

Mr. Alex Greco: Thank you for that question, Ms. Skelly. I think I'll say a few things on that. First of all, when I chat with our members about the duplicative regulations they face, they look at other jurisdictions like Tennessee, Ohio and Michigan, and they see how there is less red tape but they can get, for example, approvals in two weeks—if you even look at Michigan, for example, they can get approvals in 60 days. The FCA plant in Michigan—they were able to get that, along with less red tape, along with other incentives.

When we chat with our members, the red tape that they face is not just simple regulations. It's also the overall regulatory approach. As I mentioned in my presentation, one of the reasons why we're calling for a regulatory bill

of rights is because it's not just about cutting a regulation here and there; it's the overall modernizing of requirements. How do we compare to Canada and other jurisdictions, even other European jurisdictions? How do we keep regulations up to date so that they protect the health and safety of Ontarians?

While we can cut regulations here and there, I think we have to look at a much more broad approach right now. When I chat with our members on a regular basis, they appreciate these red tape bills, but the reality is that right now, a regulation here and there may save costs a little bit, but it doesn't do much towards the big picture. We see that time and time again. When I chat with our members about our red tape bills, after two or three days, they're like, "Okay, now what?"

I really need to stress with this committee right now that as we look toward the next budget, there has to be bold action. Piecemeal measures on small red tape regulation cuts here and there won't do it. The more costs that businesses endure, the more they look at other jurisdictions. I know that a lot of jurisdictions are saying to us right now that if they don't see massive changes in the next year or so, they won't continue investing in Ontario.

Ms. Donna Skelly: If I could get you to expand a little bit on that, we have spoken to thousands of existing companies within Ontario and many hundreds of potential companies that could become residents of Ontario, but they consistently speak to the ability to perhaps just get up and running in states south of the border versus what happens in Ontario. When you're trying to compete to get these businesses and these good-paying jobs, it's very difficult when you are up against jurisdictions that have the ability to move much faster with less red tape. Can you speak to that competitive edge that is offered in other jurisdictions because of the lack of red tape?

Mr. Alex Greco: I'll give an example. One of our member companies, who I won't name right now, is opening a new facility in Shelbyville, Indiana. It's a big, $347-million plant. They worked with the state, local and national governments collectively to find out what would get them to come there. It was a much more customer service approach. They looked at the regulatory approach in terms of what they did in Indiana to try to help accommodate their needs without sacrificing the environment and the health of citizens in Indiana. But more importantly, they offered property tax abatements, they offered job retention tax credits, and they offered a special electricity rate. There was a wide variety of things that they offered. It was a package.

It was much more of a partnership. I think in Ontario right now, what we appreciate—for example, they announced that the CME was very instrumental in terms of the renewal of the funding of the regional development funding programs. That's on a regional basis, but we have to look at it across Ontario, because right now we have a lot of small companies in Ontario and a lot of large companies; we don't have middle companies like Maple Leaf, for example.

South of the border, they encourage companies to scale up and to grow. We can't just look at measures for red tape just to keep companies at their size. We need them to invest and grow. If we don't look at what has been done in Indiana, Ohio, Michigan, New York or Tennessee, then we will continue to fall behind, and you will see more stories of what's happened in Indiana and what's happened in Michigan and happened in other states.

Ms. Donna Skelly: Thank you, Mr. Greco.

I believe, Mr. Chair, that Mr. Harris—

The Acting Chair (Mr. Lorne Coe): Thank you, MPP.

MPP Harris, please.

Mr. Mike Harris: Thank you. It's great to hear from you today. Waterloo region, over the last roughly 12 years, has lost I think about 10,000 to 12,000 manufacturing jobs. I think in the last 15 years, we're somewhere in the neighbourhood of 300,000 in the province alone.

I've had an opportunity to travel to Ohio, Indiana, Kentucky and, most recently, Tennessee. I had a chance to meet with Bob Rolfe, who is the commissioner of economic development in the state of Tennessee. We talked about some of the challenges that they had 10 or 15 years ago about attracting investment to the state. They were in a similar position to where we are now with their economic finances. They now run a budget surplus every year. They've put some great regulations in place to help attract business to the state of Tennessee. You've got Volkswagen headquartered there now. You've got many other large tier 1 and OEM auto parts manufacturers, similar to what we used to have here in the province of Ontario.

I know that in your eyes these are kind of baby steps, but what does this mean to manufacturers and exporters to see that we're taking this initiative after 15 years of just letting things get so out of control? What does that mean to business certainty here in the province?

Mr. Alex Greco: Mr. Harris, thank you for the question. I need to be completely honest here. When I chat with our members right now, over the last year—they recognize that, yes, there were some challenges with the last government. They recognize that, yes, there were some problems that this government inherited. But I need to be honest right now. While they appreciate some of these measures, I think they're really looking for more bold action right now, because I think you'll see in the next year or two—every week, a lot of our member companies get offers to go to the states that you mentioned. The reason why they've said, "We're going to hold off a little bit," is because they still believe in Ontario and they believe in the economy.

Mr. Mike Harris: I know we're going to run out of time here quickly, but just to sum it up really fast, your members would love to see us move further and faster with these types of red tape reductions.

Mr. Alex Greco: You have to do it further, but you have to do it smart and get it done right. Fast is not necessarily always the best option.

Mr. Mike Harris: Perfect, thank you.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your response there.

We're now going to move to the official opposition with MPP Fife. MPP?

Ms. Catherine Fife: Thank you, Alex, for that last distinction, because that is the key part. It isn't good for a province, I would think, to rip up multi-million-dollar, hundred-million-dollar contracts with companies, for instance. That doesn't instill a lot of confidence when a government is moving in a direction which is haphazard and irresponsible, and it signals that they're making the rules up as they go along.

I want to say thank you to you and to the members who met with us when we were discussing the Green New Democratic Deal, because the message that we got from that meeting is that there is a need to be consistent and transparent so that the rules of engagement are understood between government and business.

Also, I was very appreciative of the message that I got from the Canadian Manufacturers and Exporters, that you don't see that the environment and environmental leadership run counter to the economy. In fact, your members have really taken a leadership role in modernizing, particularly around clean tech, for instance.

It's unfortunate with this piece of legislation, because it's an omnibus piece of legislation—there are good parts in it. For instance, the Ontario water power distributors have to take out a permit to take water even though they don't take water. Reducing those regulations and that red tape makes sense to us, but for schedule 9 and schedule 16, these are literally and figuratively poison pills in this piece of legislation for us. The last point that you made around a comprehensive package hopefully would also include lower electricity costs, because I know that's an issue for your members.

1100

So maybe, because we're not going to agree on Bill 132—you're supportive of it, holistically; for us, schedules 9 and 16 make it untenable. I know that you understand why. So let's talk about what you really do want to see in a partner around government that also involves environmental leadership, because for us it's not exclusive.

Mr. Alex Greco: So I want to say a couple of things. You mentioned the word "uncertainty." Uncertainty, right now, for our members, everything that's going on in the overall economy, just in terms of even what happened under cap-and-trade to be honest with you, we had a number of members who still were owed allowances. They had a bunch of investments that they made, and all of a sudden that was kind of thrown into flux. But, overall, the uncertainty, given what's happening with CUSMA, with what happened in Canada and China and other trade agreements, manufacturers are in a period of uncertainty right now that they feel they've been in for the last several years.

But also, that means, in terms of the environment—when we met, Ms. Fife, and I know our members certainly appreciate it—we have to look at a way where we have to be bold with the environment but to look to move to the future, to accelerate advanced manufacturing. There's an opportunity to protect the environment and to do our part for climate change without having to make sure that we still have a thriving economy. It's a point that the federal, provincial and municipal governments really need to work on together in the next little while, to look at not only how you support innovation, investment and scale-up in the environment, but how we look at—in terms of even, let's say, what's happening with the Blue Box Program: How do we have a harmonized system where we're protecting Blue Box stewards, while at the same time making sure we're reducing litter and waste in our environment?

Over the last little while, we've done little baby steps. And that's important; I do not want to disregard that. But, as I said in my remarks, we have to be bold and think outside the box, because we only have a short period of time before manufacturers say, "You know what? There are other incentives for what is happening. I have to get lower electricity costs."

We have a study that we're about to release publicly that shows Ontario manufacturers, right now, pay up to 75% more in electricity costs for class B. Even class A, for companies like General Motors, for example: They pay 25% more. There is a fundamental problem, not only in terms of the global adjustment and overall cost, but also the program options that currently exist. They're watered down in such a way that companies are not able to get the incentives they need. If we solve the problem on electricity pricing, that can also open opportunities for climate change as well. They don't need to be separate, at the end of the day.

That's why I say, right now, let's make a point, in a very non-partisan way, with all these members of this committee to work together. We're not going to agree on everything, but if we find a common ground and tackle the problems that I outlined towards the end of my presentation, then not only will we have a thriving manufacturing sector, but we'll have thriving communities, and each and every Ontarian will be wealthy.

Ms. Catherine Fife: I do appreciate that, Alex, because contained within this bill, for instance, are such disparate parts—drinking 24-hours in airports and dogs on patios. If we're going to have a business-focused piece of legislation which is truly reflective of what business owners are telling us in Ontario—they want to be part of the solution. That's why those tax credits actually are very accountable and transparent. Navigating through some of the programs that exist that businesses actually can't access, for instance, to modernise their equipment so that it reduces greenhouse gas emissions, those are the solutions that we see as part of the solution. But when you couple it in an omnibus piece of legislation like this, which will actually, we think, cause more red tape and regulation down the line, because you'll have to pick up the pieces for pollution, those are at cross-purposes for us.

I just want to be clear with the Canadian Manufacturers and Exporters that there are solutions here on reducing burdens that are regulatory, but they should never be compromising the health and safety of Ontarians, and that's what Bill 132, for us, represents.

Mr. Alex Greco: Two things: You mentioned tax incentives earlier. We were appreciative of the federal

government doing the accelerated capital cost allowance and the province matching it, but that's only one step, at the end of the day. When we've done our research, even in Israel, Estonia, Germany, the UK, in terms of what they do for tax credits, they're outcomes-based, so it's not just a free-for-all in terms of tax credits. If you promise to reduce emissions, if you promise to invest in a particular community, if you promise to invest in X or Y amount of jobs, then you get a tax incentive, right? It also has incentives in terms of reducing emissions in the environment. It's rewarding companies who are adopting clean technology.

I'll give you an example. Even in Newmarket, Celestica—our CEO and I went a few weeks ago, and they've put in new LED lighting. They've put in all new machinery and equipment. They've taken steps to reduce emissions by 2050. We want to create more companies like that. Celestica is a big company, but what about those companies that have 50 or less employees? They need the incentives to be able to do that. They don't have the same capital as a Celestica or a Magna or a General Motors, and if we don't create that, then they won't even be able to change their behaviour on the environment.

We really have to look at this holistically and also really, moving forward, focus on the harder problems that really matter to manufacturers, and then build it from there. Otherwise, piecemeal legislation here and there won't get the job done towards growing this sector.

Ms. Catherine Fife: Okay. Thank you very much.

The Acting Chair (Mr. Lorne Coe): Any further questions?

Ms. Catherine Fife: No.

The Acting Chair (Mr. Lorne Coe): No? We'll move, then, to MPP Schreiner.

Mr. Mike Schreiner: Alex, thanks for being here. I'll ask a couple of questions from the perspective that I was a food manufacturer at one point—for the domestic market, not export, but still. I would have liked to have exported, but I never got quite that big.

I've talked to a number of clean economy manufacturers who talk about how we commercialize and scale innovation, and so I'm hoping that some of the proposals you've put forward will address that later today. I really look forward to reading that, because I hear people saying things like, "Let's remove the red tape that will allow virtual net metering for solar," or, "Let's bring in tax incentives for electric vehicle charging," or accelerated depreciation for capital investments to reduce emissions, become more energy-efficient, save electricity etc.

I'm curious what you think. Would you consider those to be smart regulations when you talk about regulatory reductions and incentives for businesses?

Mr. Alex Greco: Mr. Schreiner, thank you for that question. First off, I should say that my boss is actually in your riding—

Mr. Mike Schreiner: Oh, perfect.

Mr. Alex Greco: —from Guelph, actually, so I'm sure he'll run into you in the next little while.

When I look at tax incentives, first of all, we sometimes see big government programs that happen—take federally, for example, for the Strategic Innovation Fund, or even the regional programs that have been established. They have become so bloated in terms of red tape to get through, so companies have a tough time getting through the application process.

We look at investment supports as rooted in the tax code, so they're simple and they're less burdensome in terms of red tape. One of the ideas that we put forward in our Industrie 2030 strategy was something called the "patent box," better known as the innovation box, and that's really focused on commercialization and scale-up of products. It has been done in Israel. It's currently being done in Quebec. Basically, if you promise to commercialize products, especially if you're a new company and promise to do that over the next few years, you get a small reduction in corporate taxes, but that revenue is reinvested back to the economy and partly to the company to make sure that they make that investment. It's not just a simple corporate tax cut, right? It's actually outcomes-based, based on your performance—

The Acting Chair (Mr. Lorne Coe): Thank you, sir, for your answer. Thank you, MPP Schreiner. Your time has elapsed.

ONTARIO FEDERATION OF AGRICULTURE

The Acting Chair (Mr. Lorne Coe): Our next presenter that's scheduled—a little bit early, again, but I think with the concurrence of the committee, we'll proceed. Thank you.

We have the Ontario Federation of Agriculture. Mr. Bent, if you could please approach the table. For Hansard, sir, if you would introduce yourself. You have 10 minutes for your presentation, and I'll let you know when you've reached the nine-minute mark. Please proceed.

Mr. Jason Bent: Thank you for the opportunity to speak this morning about Bill 132.

Joining me shortly will be the president of the Ontario Federation of Agriculture, Keith Currie. We're just running a bit ahead of schedule, so we're short our president. But I am Jason Bent. I'm a staff member who leads the Ontario Federation of Agriculture's policy research department.

The Ontario Federation of Agriculture is Canada's largest voluntary general farm organization, representing more than 38,000 farm family businesses across Ontario. These farm businesses are the backbone of a robust food system and rural communities, with the potential to drive the Ontario and national economies forward.

We support the Ontario government's efforts to remove unnecessary and burdensome red tape. Bill 132 is the third in a series of bills through Ontario's Open for Business Action Plan. It proposes legislation which would make several legislative changes across multiple ministries, to enable modernization of multiple regulations that are

outdated, ineffective or duplicative of federal regulations or municipal bylaws.

1110

OFA is pleased to provide comments today on schedules 2, 4 and 9 of Bill 132. We also intend to make a written submission to the standing committee later this week.

I will now turn it over to the president of OFA, Keith Currie.

The Acting Chair (Mr. Lorne Coe): Welcome, Mr. Currie.

Mr. Keith Currie: Thank you, Mr. Chair. My apologies for being late. I wasn't expecting government to be ahead of schedule. That's not the norm.

Mr. Mike Harris: Shots fired.

Interjections.

Mr. Keith Currie: As Jason said, in general, we're pleased with what is presented in Bill 132, but we do have a few comments and a few exceptions to that.

Certainly, schedule 2 is something of concern to us—the Line Fences Act repeal. We have grave concern over that act right now, because it is a piece of legislation that is very effective and working very well for our farmers. It's a mechanism for resolving disputes between property owners, and how the fencing should look between those two property owners.

It does, in our view, not create red tape. What this bill is all about, and what this government's actions are all about, is reducing red tape and burden.

It also limits the time and the cost of going through court proceedings in order to resolve these disputes between property owners.

The way the process works, if you're not familiar with it, is that there are fence-viewers that municipalities assign to judge and view these disputes. The fence-viewers make a decision on what that fence should look like, what the cost distribution should look like, and how the proceedings go forward.

If that is repealed, certainly that cost will increase, because the only mechanism for resolving that issue would be through the court system. That is not only very expensive, but also very time-consuming, something that we just don't have the need for when we're trying to resolve disputes.

The MMAH and their staff have indicated that because of the low number of appeals, it would justify repealing this act. We disagree, arguing that the assessments and views—that the low number of appeals is demonstrating that the awards of the fence-viewers are actually working. There is a process in place, should you not agree with the fence-viewer, for it to go to a referee. That referee can make that decision on what that should look like. Again, it avoids the costly court proceedings, and the time of the court proceedings, in order to process a fair assessment, if that is able to be achieved through the court system.

The court system isn't always consistent, and that too is problematic. Different awards from different courts mean that there are inconsistencies on how those assessments look. This is where the fence-viewers and the referees play a much better role, because of their knowledge and their understanding of how these property fence assessments should look.

In order to solve this problem on fencing, when a fence-viewer makes a decision, the property owners are allowed, during the construction and maintenance of these properties, to actually do those jobs. If the court awards an assessment, there is a possibility that while maintaining my fence, I might step on the other person's property and be charged with trespassing. That is not allowed under the Line Fences Act, as currently written. So, that would be very problematic as well, in trying to sort out how to repair, how to maintain and how to construct new fences through this act.

It has a number of shortcomings. Certainly, one of the big ones we're fearing is that the Line Fences Repeal Act does not require a municipality to pass their own bylaws on how to settle fence disputes. What happens in that regard is more court action.

But there is also a bigger problem around that. We've had an example of that in the past, where municipalities will dictate the type of fence that is to be constructed. That's particularly problematic in near-urban areas.

One example that we do have is a municipality that passed a bylaw, or was about to pass a bylaw, that all fences had to be four-foot chain-link fences. Certainly, for agricultural operations, that is not really a viable option, where something like nine-strand page wire fences is the norm not only for fencing between property owners, but also for keeping animals in and predators out. It's also a bio-security issue.

Fortunately, in that situation, there was a farm advisory committee of that municipality. They were able to talk to the municipality about repealing that decision, so that that four-foot chain-link fence was not the only option as far as fencing goes.

These are a few of the things that we find very problematic with schedule 2 on the Line Fences Act repeal, and we ask that this committee consider pulling that schedule right from the bill to make sure that we continue on with the current Line Fences Act, which is working very well and is not a costly factor. There are a minimal number of incidents that go to the fence-viewer, and we feel that is because the act is actually doing its job.

Schedule 4 talks about a number of legislative changes, one being to the Agricultural and Horticultural Organizations Act. In general we're very supportive of this schedule. We do think that making those changes to the Agricultural and Horticultural Organizations Act will allow a lot more flexibility and cost-savings to organizations like fair boards, for example, that don't have to mail out very costly and expensive notices of annual meetings. Those kinds of savings are imperative to those small community organizations that really are working on shoestring budgets, and anything we can do to help them in their cause we certainly do support.

Also, the Agricultural Products Insurance Act will have some tweaks to it, which we certainly do approve of as well. We certainly support those.

The Farm Registration and Farm Organizations Funding Act will also make some changes. In general terms, we are in favour of those changes going forward. The one thing that we do ask the committee to consider is that under this act, our farm business operators are eligible for a refund. Currently, as that goes, the refund will also include the administrative charge that is charged in that process. As we go forward, the general farm organizations will be responsible for that administrative charge. What we're asking for is the ability for us to deduct a refund processing fee so that we can recoup those charges. Currently there's about $370,000 worth of refunds that go out between the three general farm organizations annually, and the cost of that administration fee on the refunds is about $25,000. What we're asking for is the ability to recoup those costs of the refund fee so that we don't have to bear that burden of people getting refunds on their farm business registration act.

The Ministry of the Environment, Conservation and Parks also has some amendments under schedule 9. We are fully in favour of the proposal to make the changes to amend the Pesticides Act. That certainly has caused a lot of burdensome paperwork and time consumption and stress amongst our farmers the way the current act is written. Aligning ourselves with the federal rules is something we've been asking for for a long time, so we appreciate the government taking those steps. Also, making the changes around class 12 is something we've been asking for as well. It does not reduce the burden of risk of proof and it does not reduce the requirements on the producers to be certified—

The Acting Chair (Mr. Lorne Coe): You have one minute left in your presentation. Thank you.

Mr. Keith Currie: Okay. Thank you.

The Acting Chair (Mr. Lorne Coe): Carry on. You have one minute left.

Interjection.

Mr. Keith Currie: I was pretty much done. I appreciate that, MPP Smith, for doing that. I was pretty much done. We do appreciate what they did on schedule 9 and through the Pesticides Act.

Also, AMPs, or administrative monetary penalties, around the Resource Productivity and Recovery Authority's mandate to include digital reporting services, we do appreciate. We do caution, though, that we potentially keep paper filing in areas of remote and northern Ontario where connectivity may be an issue. Broadband and cell service may not be there, so having that option to fill out paperwork would be very much appreciated until such time as the government invests in broadband and connectivity so they can also get online. But we do certainly align with the digital aspect of where the government is going.

The Chair (Mr. Lorne Coe): Thank you, both, for your presentation.

The questioning will start with the members of the official opposition. MPP Arthur, please.

Mr. Ian Arthur: Thank you very much for your presentation. I'm just curious, in particular, about something as simple as the line fence changes—I mean, this is presented with a very urban lens so far, so to hear your opinion on that is very interesting. Were you consulted on this before this piece of legislation was released?

Mr. Keith Currie: I can let Jason chime in here a little bit too. I know that he had had conversations with some of the OMAFRA staff. I don't know, Jason, if you want to talk a little more on that.

Mr. Jason Bent: Yes. We certainly weren't included in any formal consultations on this. It was somewhat of a surprise to us.

Mr. Ian Arthur: Thank you. I actually wonder if you would comment—one of the previous deputants that was before us was the RNAO, the nurses' association. They were commenting on the potential impacts on farmland of aggregate extraction, and that there was enough aggregate dust that had settled on a farmer's field to actually lower the pH levels in that crop. Do you have any concerns with the changes to the aggregate extraction act that is in this bill?

1120

Mr. Keith Currie: We're still looking through the process. I don't know, Jason, if you want to comment a little more on that act.

Certainly, there's always a concern when there are issues like dust around our farm properties, and we would like to work with both the gravel pit owners and potentially the government on how to mitigate and minimize those impacts.

Do you have any further comments on that, Jason? You've been working closer on this than I have.

Mr. Jason Bent: We viewed the changes made under Bill 132 under the Aggregate Resources Act as being more housekeeping and more administrative. We certainly do have policy that we want to see farmland protected, and farmland is a finite resource. We're losing 175 acres per day in farmland in this province.

Mr. Ian Arthur: Okay. I'm going to move on to the AMPs in schedule 9, which you commented thereon.

I'm just going to read here from another submission: Schedule 9 of Bill 132 repeals the reverse onus clause. "The reverse onus clause was introduced as part of the spills bill in 2005, in response to incidents such as the Imperial Oil spill of 250,000 litres of highly volatile chemicals into the St. Clair River that shut down local water supply."

I understand, from a farmer's perspective, in changes to the Pesticides Act in that way that it was viewed as burdensome paperwork. But can you see, potentially, disastrous implications if there is large-scale contamination of water supply chains, spills that potentially and likely will end up on some farmer's field or other in the future? And do you think the fines that are going to be in place after this are sufficient to prevent those sort of things from happening again?

Mr. Keith Currie: I think we really only speak on behalf of the agricultural perspective on this, and certainly we are concerned about any spill that happens, whether it's something that one of our members has or something that happens in society. So any measures that can be taken to

put parameters around as much control as possible to minimize or eliminate those spills, absolutely, we're in favour of. Water is something we all use. The land is something that our members certainly all use and is a benefit to society, so we do want to protect both—anything that can be done to minimize any kind of those spills.

We've had extensive conversations with our membership about the proposed fines. No one likes to get fined, but if that's what it takes to make sure that we do our due diligence then we support that. We just need to make sure that the right rules are in place on how those fines are applied, such as making sure that it's a director who is imposing those fines, not a provincial officer. The director is more in contact with those on the ground to understand the parameters around what happens. For example, like Lambton county did this spring, if you get three inches of rain in five hours, and your lagoon is full but not overflowing—but if we get that much rain, it's possible that that lagoon could overflow. That's an act of God that's out of the hands of the property owner, so those kinds of considerations need to be taken before fines are assessed. That's where a director, as opposed to just a general provincial officer, can come in and make those correct assessments.

Mr. Ian Arthur: Thank you for that. I just want to say very much that I agree that the fines were in place for the worst-case offenders. The severity of the fines was to reflect that in the worst-case scenario, and that they simply would never be used on the vast majority of Ontario's businesses that do not try and push the limits of those sorts of things.

The Acting Chair (Mr. Lorne Coe): MPP Fife, please.

Ms. Catherine Fife: Thank you very much for coming in today. I have to say I'm genuinely a little bit surprised that on the changes to the Aggregate Resources Act the OFA hasn't filed a few more concerns. For instance, we have heard, both in London and in Peterborough, around land use planning, because that obviously affects your members, and around water table quality and levels in rural communities.

Just to give you a quick example, farmers for years have spoken to me about the fact that aggregate pits are not rehabilitated, and that compromises the overall ecosystem in rural communities.

Also, schedule 16 of Bill 132 contains amendments that weaken or remove some important safeguards that currently exist in law.

I view farmers as the original stewards of the land. When you mess with farmers on land use planning and water quality, usually those voices are very loud. But I know that farmers also pay very close attention to municipal politics, because those are your voices at the local table around local decisions. Schedule 16 proposes to make municipal bylaws inoperative if they restrict the depth of aggregate extraction in order to protect groundwater. It also proposes to expand the ability of aggregate companies to self-file their own changes to site plans without ministerial approval. So not only is this government, through this schedule, removing municipal oversight around aggregate pits, but they're also removing ministerial oversight.

My concern is that it will compromise the air quality with the particulate around aggregates. We heard that this directly affects farms. Then also, water: Farmers can't operate without water.

This is a very political schedule, in our view. I wanted to give you a chance to speak to it. If you haven't had a closer look at it, then I would really appreciate you getting back to us from a policy research perspective on this schedule.

Mr. Keith Currie: Yes, we'll certainly circle back on that.

We have a long-standing policy on land use, understanding that we're not going to stop growth; we want responsible growth. That also includes through our gravel pits, through aggregate extraction. It's one of those things where we need it. We use a lot of aggregates ourselves, our members do, so we appreciate the value of aggregate extraction, but we want it done responsibly, to your point.

Our policy always talks about land use and what's under the land—for example, water. We do not want our water tables to be compromised by any kind of mining or extraction that goes on, whether it's a rock quarry or a sand and gravel pit. So those are things that we are always very conscious of. We will definitely circle back and make sure that we have comments on that piece of the act as well, if it's going to affect us.

Ms. Catherine Fife: Thank you very much. One further—the loss of farmable land: The Hallman pit in Waterloo region proposes losing 200 acres of some of the best farmland in Ontario. I think we're in agreement here that there has to be a balance there between having these resources for food development and agriculture and having some measure of where the risk is and putting some protections in place.

I look forward to hearing back from you. Thanks very much, Keith.

Mr. Keith Currie: I agree.

The Acting Chair (Mr. Lorne Coe): Any further questions? No. MPP Schreiner, please.

Mr. Mike Schreiner: Keith and Jason, thanks for being here today. I certainly appreciate it. I appreciate you bringing our attention to concerns around schedule 2. I wasn't aware of that until your presentation today.

I'd just like to echo my colleague's comments: I would appreciate, in your written submission, if you could take a look at schedule 16. I know that OFA has provided big leadership on protecting farmland, particularly on the Melancthon mega-quarry and other aggregate operations.

I have limited time—and this may take a long answer—but we've had farmers like the beef farmers raise concerns around changes proposed to the Pesticides Act and how they will affect their operations, particularly related to neonicotinoid pesticides. I know it can be a bit of a controversial issue within the farm community. Do you think there's a way we can balance the concerns that beekeepers have with the concerns that grain farmers have and come

up with a system that works for everyone to protect health and safety but also ensures that you have the tools you need to do your job?

Mr. Keith Currie: When the perfect storm happened back in 2012 and we had this issue around neonics, one of the things that really educated our members is how important pollinators are. They knew it, but they didn't understand it. So going forward, these new changes to the act are not taking away the requirement to approve the risk assessment on the need for the use of these products. That assessment still has to be done by someone who's certified with integrated pest management training to do that assessment. Then, in order to buy the product, you still have to go through the grower pesticide certification process as well.

What it's doing is taking away the burdensome paperwork trail that has to be formed. For example, if I have four people on my operation who are all involved in the cropping aspect of it, all four of them, at all times that they're in the field, must have paperwork in their possession and understand what the paperwork means.

1130

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Currie. That concludes the time that MPP Schreiner had.

To the government: MPP Pettapiece, please.

Mr. Randy Pettapiece: Thanks for coming in this morning. Your first comment—I do want to address that a little bit. Some of us get up a little earlier to milk our cows than others do, so that's why we were here so early.

Interjections.

Mr. Randy Pettapiece: Whoosh!

Certainly because I'm not farming anymore—I'm not on the farm anymore—it's difficult for me to keep up with what farmers are doing in the technology types of issues.

Every day, I learn something else that is going on in the farming community, or something else that is being proposed for the farming community. So I actually go out to our farms, or talk to farmers, and we just sit around and have a coffee and say what's going on, what's being introduced and all these types of things.

One of the things that interested me was something that happened back when the issue of neonics was first brought to our attention in the farming community. It was the adaptability of farmers and farm machinery manufacturers to try to address that situation.

Keith, I wonder if you would be able to explain what happened back then with some of the application techniques that were used and corrected.

Mr. Keith Currie: The predominant method of planting in the spring is done with air planters. It's air that puts the seeds into the ground—for simplistic understanding.

When we had the issue with the bees, it was a very late spring. People all of a sudden got the chance to go, and everybody went en masse, at the same time that honeybees were being released to do pollination. The exhausting of these planters is up into the air, so any dust from the neonic-treated seed would go up in the air. It's an insecticide, so if any insect went through it, it would kill it.

Since that time, both the equipment manufacturers and farmers have modified their equipment to either put that exhaust right in the ground or on the ground, so it stays low. It doesn't go up in the air, and it doesn't affect the pollinators.

There have been some advancements on some types of seed, where we're able to use a different kind of chemical seed treatment. The reason for the seed treatment is so that when it goes in the ground, we don't have grubs and wireworms and other pests actually eating the seed, or eating the plant once it germinates, eating the roots and killing the plant. That was the reason for the use of it.

The modification and the technology advancements, as you pointed out, have really aided in the reduction of any incidents. In fact, consistently, our honeybee population right across the country has done nothing but increase since that time. So it has been very effective.

Mr. Randy Pettapiece: I wanted to bring that up, because you know as well as I do that if something happens like this—and the importance of pollinators has certainly been addressed, and people need to know that they are important to the farming community. But I also would like to make sure that people understand what the agriculture community did to try to address this. We didn't just sit back and do nothing. Certainly, as you say, it has helped our pollinator populations increase.

I have talked to beekeepers who have said that there were quite a few—like you say, we had kind of a perfect storm back then. Even that winter and the winters that followed have been difficult in some areas, and more difficult than others. If beekeepers aren't checking their hives in the wintertime to see if their bees are hungry or not doing well—there were all kinds of things that entered into this.

What we wanted to do when we were looking at the pesticide issues was to align with Health Canada, which is a good thing, in my opinion. These regulations—we're not doing anything to change anything. We're just aligning with what the other provinces do.

Could you comment on what your thoughts are on that?

Mr. Keith Currie: With respect to the beekeepers' situation, about 70% of the honey production in Ontario is done by about 30% of the members. Most of them are commercial operators that are not part of the Ontario Beekeepers' Association, because they don't align with their philosophy. The big commercial producers didn't want to see a ban either.

I think aligning with Health Canada and PMRA makes a lot of sense because, to your point, we were the only province in the country that had a different system. If Health Canada is governing this, why do we need to have the intensive oversight by one province versus other provinces to do this? That's why we're fully in agreement with the measures that are proposed through this act, because it still doesn't lessen the burden or address the risk, but it maintains consistency with other provinces and with Health Canada.

Mr. Randy Pettapiece: Have I got time left? Yes.

When we're talking about environmental issues and spills and that type of thing, I think most of us are aware

that if we have a spill in the farming community, people generally smell it in a hurry, because that's what happens with manure. We have a couple of seasons in rural Ontario—one is the spring season; one is after the wheat's off—where we know that fertilizer is being applied to the ground in the form of livestock manure. In fact, it has been quite prevalent in this last little while, except in corn fields where we've having a difficult time getting our corn up.

The farming community, in my mind, has taken responsibility for these types of things. They're building their storage structures bigger. Certainly, if we have events like you were talking about, where we have excessive rainfall, that can alter things a little bit. But I think, for the most part—in fact, I haven't heard it in my time here—there is not a lot of opposition, or any opposition, to protecting our environment, which farmers have done for years.

I think the spreading of chemicals and all this type of thing—the application process is certainly improved with GPS, where chemicals, fertilizers and manures are spread where they should go. We've got away from the overlapping process that we used to do years ago just to make sure that we got everything covered.

I wonder if you could comment on some of the technology that's being used in agriculture to address these situations.

Mr. Keith Currie: Certainly the phosphorus-in-Lake-Erie issue raised a lot of activity in agriculture on how we implement more best management practices and just do better in general. At the end of the day, I want the nutrients on my farm; I don't want them somewhere else. We know that 60% of our loss happens between January and April, with runoff on the surface, so things like knifing manure into the ground so that it stays there, making sure that we have the right applications at the right time and making sure that we have adequate storage so that we can apply it at the right time so that the nutrients stay on the ground is something that we do ad nauseam. The 4R program that has been introduced and accepted by farmers right across the province, it's the right source, right time, right place and the right nutrient. There's an accreditation process for our crop input suppliers. They will not give a fertilizer spread out to a farmer when it's pouring rain—

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Currie, for your presentation. Thank you, Mr. Bent, for your presentation.

That concludes our business for this morning. A reminder to committee members that, pursuant to the order of the House dated November 7, 2019, the deadline for written submissions is 5 p.m. on Friday, November 29, 2019.

Public hearings will resume this afternoon at 1 p.m. The committee is now adjourned.

The committee recessed from 1140 to 1300.

ONTARIO RIVERS ALLIANCE

The Acting Chair (Mr. Lorne Coe): The Standing Committee on General Government will now come to order. Good afternoon, members. We will now resume public hearings on Bill 132, An Act to reduce burdens on people and businesses by enacting, amending and repealing various Acts and revoking various Regulations.

Our first presenter, who is from Ontario Rivers Alliance, Linda Heron, will be appearing via teleconference. Pursuant to the order of the House dated November 7, 2019, you will have up to 10 minutes for your presentation, followed by 20 minutes for questioning, with eight minutes allotted to the government, 10 minutes allotted to the official opposition and two minutes allotted to the Green Party independent member. Please state your name for Hansard, and you may begin. Thank you.

Ms. Linda Heron: Good afternoon, everyone. My name is Linda Heron and I chair the Ontario Rivers Alliance, or ORA. The ORA is a not-for-profit, grassroots organization with a mission to protect, conserve and restore Ontario riverine ecosystems. ORA collaborates with members, supporters and other like-minded organizations all across the province to speak up for Ontario rivers.

Thank you for this opportunity to speak to the committee regarding Bill 132, Better for People, Smarter for Business Act, 2019, the water-power exemption from the permit to take water under the Ontario Water Resources Act, and the associated proposal by the Ministry of Natural Resources and Forestry to amend the Lakes and Rivers Improvement Act to make a regulation to assess and monitor methylmercury.

ORA submitted comments on these ERO postings last Friday, with endorsements from several environmental organizations, such as the Canadian Environmental Law Association, Canadian Wildlife Federation, Freshwater Future Canada, Trout Unlimited Canada and several others. ORA also submitted comments earlier in November on the proposed amendments to the Aggregate Resources Act, also under Bill 132.

Bill 132 proposes sweeping cuts and amendments to 14 different acts, reflecting legislation across several ministries. The changes proposed in this bill are complex and far-reaching, and its full impact on Ontario riverine ecosystems and communities is beyond anyone's ability to fully calculate. A 30-day comment period is too short for meaningful public participation. Given this overly brief comment period with so little information on so many different pieces of legislation, ORA will focus today on the amendments to the Ontario Water Resources Act and the Lakes and Rivers Improvement Act.

ORA recommends that the committee vote against these proposed amendments to the Ontario Water Resources Act and the Lakes and Rivers Improvement Act and withdraw them in their entirety. We also recommend that, because of the short timeline provided for the review of Bill 132, recommendations by all organizations and individuals be meaningfully considered.

Now I will provide the rationale behind ORA's recommendations.

(1) Overview of the proposed regulatory amendments: The Ministry of the Environment, Conservation and Parks, MECP, is an independent agency administering the permit to take water to ensure the fair sharing of water and that

there is enough water available for the aquatic ecosystem and for other water users. It requires annual monitoring and reporting to ensure water quality and water quantity and proper mitigation of any impacts, and a review is required every 10 years. A permit to take water also provides an appeal process, proper engagement opportunities for stakeholders and a duty to consult with Indigenous peoples.

The permit to take water considers water-power generation to be a category 3 water taking, because it has "a greater potential to cause adverse environmental impact or interference" and requires scientific studies and technical screening and evaluation carried out by the MECP. The scientific studies are used to determine the potential impact of the proposed water taking on the aquatic ecosystem and other established in-stream uses and how the proposed taking should be designed and controlled to prevent or minimize the impact.

On the other hand, the likely instrument to be used if responsibility for methylmercury is transferred over to the MNRF would be a water management plan under the Lakes and Rivers Improvement Act.

A water management plan is prepared by the industry for the industry. The facility owner prepares it, but it is not regularly reviewed by the MNRF, there is no public engagement or appeal process after it's developed, and not all water-power facilities are required to have one. Most water management plans that have been approved are now 10 years old or older and balance environmental concerns with the economic concerns of the industry. As a result, they vary significantly in objectivity, data/information and the consideration of environmental matters, which are key issues of interest in the permit to take water. In addition, MNRF has since directed that no new water management plans need to be prepared.

It is clear that the functions and effectiveness of a permit to take water are in no way similar or equal to a water management plan. We consider any significant impact of hydroelectric operations on water quality, water quantity and aquatic life should be subject to the same obligations as all other water users under the permit to take water.

The MECP has the specific expertise and mandate to manage water quality and water quantity as set out in its statement of environmental values under the Environmental Bill of Rights. Having more than one ministry responsible for this important oversight is not efficient, would be cause for confusion and would not meet the purposes of the Ontario Water Resources Act.

(2) Impacts of water power: With approximately 224 hydroelectric facilities in Ontario, and many more associated control dams, the environmental, social, cultural and economic impacts of these proposals would be widespread and significant.

While hydroelectric facilities have contributed to our power grid for over 100 years, a very high environmental and socio-economic price has been paid in terms of losses to valued natural resources. In the past, narrow one-off approaches to approvals have ignored water power's potentially significant cumulative effects on the environment, ecology and biodiversity. Unless carefully identified and mitigated, significant cumulative and ongoing effects from water power will occur at the watershed, regional and provincial scale.

In Ontario, hydroelectric schemes are offered lucrative peaking bonuses to produce more power during peak demand hours. This encourages operators to hold water back in head ponds during off-peak hours so they can generate maximum power and profits during peak hours. The temptation is great to sacrifice fish, habitat and healthy waters for increased profits.

There must be meaningful consequences when hydroelectric operators disregard the fair sharing of water for aquatic ecosystems and for communities dependent upon these resources. Maintaining adequate flow levels and variability in rivers is essential to ecosystem health, and the Permit to Take Water Program is best positioned to achieve this. This must be the foundation for responsible and sustainable water power.

(3) The benefits of healthy rivers: Those proposing these red tape cuts are not considering the value and essential benefits that healthy rivers bring to the people of this province versus the extent of the environmental costs if this water power exemption is approved. The effects of water power facilities on fish populations and fisheries have been well documented over the past century and include the loss or serious decline of many iconic fish species which are resources of importance to Ontario's economy, biodiversity, and natural and cultural heritage.

Ontario fisheries are a valuable and ecologically sensitive resource that contributes substantially to Ontario's economy, with recreational and commercial fishing valued at more than $2.5 billion, with 41,000 person-years of employment and more than 1.2 million resident and non-resident anglers who contribute $2.2 billion annually to the Ontario economy. A permit to take water functions to protect healthy freshwater ecosystems which are the foundation for a lucrative recreation and tourism industry and provide healthy drinking water and abundant fisheries.

(4) Conclusion: With the warming temperatures and extreme rain and drought events that climate change is predicted to bring with increasing frequency and intensity as time passes, decision-makers and legislators bear a responsibility to strengthen freshwater protection and resiliency, not weaken it. If this proposal moves forward, it will be a precipitous turning point for the future of freshwater in Ontario and beyond.

Reducing regulations to provide some cost savings for facilities so the water power industry can reap higher profits at the expense of the environment, our children and grandchildren's future with water and valued resources will prove to be a mistake in hindsight. The permit to take water under the Ontario Water Resources Act has proven to be effective in ensuring the checks and balances for the protection of the environment, balanced with the interests of the water power industry.

The water power industry writes its own water management plans, wrote its own—

The Acting Chair (Mr. Lorne Coe): You have one minute left in your presentation, please. Thank you.

Ms. Linda Heron: —wrote its own class environmental assessment for water power and its own best management practices for species at risk, such as the American eel and lake sturgeon—all written to serve the industry's own best interests. However, the industry's track record has been pretty dismal, with only three fishways at hydroelectric facilities in all of Ontario. That's 224 facilities. Water management plans are dubious at best, with no transparency on their status; and now the industry is pushing to exempt water power from the Permit to Take Water Program, which has been the best impartial oversight tool that operates in the interests of the environment, the public and the industry.

Will the government allow the water power industry's interests to dominate over the interests of the environment, Ontario communities, stakeholders and Indigenous rights?

ORA recommends that the committee vote against these proposed amendments to the OWRA and the LRIA and withdraw them in their entirety.

The Chair (Mr. Lorne Coe): Thank you. The time for your presentation has concluded. This round of questioning will start with the leader of the Green Party. MPP Scheer.

Mr. Mike Schreiner: Thank you—oh.

Mr. Mike Harris: Cool, Scheer.

Mr. Mike Schreiner: MPP Schreiner. That's okay.

Interjections.

1310

Mr. Mike Schreiner: Yes, exactly.

Thank you, Linda, for your presentation.

One of the concerns that the Ontario Waterpower Association raised was that they don't actually take water. I'm wondering if it would be more effective to regulate the industry through the Endangered Species Act, the environmental assessment process and other areas to ensure the health of our rivers and our waterways.

Ms. Linda Heron: We believe that one agency should continue looking after it. All water-taking should be handled by the Ministry of the Environment, Conservation and Parks.

The Ontario Water Resources Act and permits to take water have worked very well to protect the environment, to protect the sharing of water. So why change this now when it's worked so well in the past, especially for the reasons that have been given: to help the waterpower industry increase—they didn't say that in the proposal, but it's to help them make more money, to increase their profits.

We as stakeholders want to know that our government is making our waterways more resilient to the effects of climate change. We need strong legislation to do that. The Endangered Species Act is meant to deal with endangered species. It's not meant to deal with water-sharing or water quality when it comes to these hydroelectric facilities.

Mr. Mike Schreiner: I'm out of time, but could you please submit your written comments for the aggregate act to this committee, as well as on the ER, please?

Ms. Linda Heron: Sure.

The Acting Chair (Mr. Lorne Coe): Thank you. To the government, please: MPP Smith.

Mr. Dave Smith: Through you, Mr. Chair: I want to touch on a couple of things that you said. You have some issue with the taking of water. How much water is removed from the river with a hydroelectric plant?

Ms. Linda Heron: Well, the water is removed and put back, so I would imagine thousands of litres per second, probably, or per minute. I really don't know.

The purpose of the permit to take water is multipurpose. It's to ensure that the proponent or the dam owner, the hydroelectric facility owner, is not taking more than they're supposed to, that there's enough water left in the river for—

Mr. Dave Smith: So the reality is that they're not taking any water. The water is at a higher level at one point of the dam, and it goes through the turbine and comes back out at a lower level. It's not a taking of water; it's simply a transfer of height from one dam to the next.

You also mentioned that dam operators—

Ms. Linda Heron: Excuse me—

Mr. Dave Smith: You mentioned that dam operators are holding back water. I was involved with the Under the Lock Hockey Tournament. It's a tournament in Peterborough, Locks 20 to 21. That stretch is about 900 metres long and there's about 14 million gallons worth of water. It would be very difficult to back up any significant amount of water through a dam. So I would suggest that it's not reasonably possible, then, in a short period of time, to create a headwater that has a significant amount or more over the course of the off-peak to increase your flow on-peak. And all of that is regulated anyway by the IESO, so it's not possible, then, for a hydroelectric producer to increase their production. That's all regulated through the IESO.

Ms. Linda Heron: Yes, they do increase their production because they hold water back behind a head pond. One of the facilities on the canal system will be holding water back to feed it down to all the other dams that are further down. But all water goes through the dam. The dam takes the water and then it returns it. Some water goes through as an environmental flow and some goes through to produce power, to generate power.

Mr. Dave Smith: But the IESO regulates who is producing power at any given time. So it's not possible, then, for an individual generation company to say, "I'm going to produce more power today," because the IESO is the one who says, "You can produce this much, and this is what we're going to be paying for it." It's not possible, then, for the individual power operators to actually make that type of a change.

Interjection.

Mr. Dave Smith: I'm going to turn it over to my—

The Acting Chair (Mr. Lorne Coe): MPP Smith, listen to the answer, and then you can ask your supplementary, okay? Go ahead. You've got to answer the question.

Mr. Dave Smith: I hadn't asked a question; I was simply making a statement and passing it over to MPP Khanjin.

The Acting Chair (Mr. Lorne Coe): Did you want time to respond? No? Okay.

Ms. Andrea Khanjin: Hi, Linda. It's Andrea Khanjin here.

Ms. Linda Heron: Hi, Andrea.

Ms. Andrea Khanjin: Hi. I just wanted to ask you a few questions. As you know, part of Bill 132 is making sure that those who do violate the terms of a permit to take water are fined under the administrative monetary penalties. We weren't able to do that under the Ministry of the Environment before. There were no strong teeth to it. Now we've included that in Bill 132.

The other thing that will continue under the Ministry of the Environment is—you mentioned methylmercury. That will still be the responsibility of the Ministry of the Environment under the Lakes and Rivers Improvement Act—

Ms. Linda Heron: That would be the Ministry of Natural Resources. They're talking about transferring that over.

Ms. Andrea Khanjin: I understand the language might have not been as clear, but it will still be the responsibility under the Lakes and Rivers Improvement Act, which is the responsibility of the Ministry of the Environment. We'll still be looking after that at the Ministry of the Environment.

But I wanted to ask you in terms of what your thoughts are on reducing greenhouse gas emissions, and if you're in favour of reducing them.

Ms. Linda Heron: Of course. This is a necessary thing, to reduce greenhouse gas emissions. But, unfortunately, hydroelectric dams have not been recognized properly by the Ontario government or the federal government on the greenhouse gas emissions that they contribute to the environment. Whenever you hold water back and sediment collects behind the dam, greenhouse gases are generated. Studies show that up to 7% of world greenhouse gas emissions are coming from behind hydroelectric dams.

Ms. Andrea Khanjin: It would be interesting where those studies lie, because the information we have is that it certainly takes more greenhouse gas emissions to produce windmills and solar panels than it does for using water power, which is less corrosive on the environment and provides sustainable energy.

I thank you for your comments, and I'll pass it on to others.

Ms. Linda Heron: I'll send you the related study to that.

The Acting Chair (Mr. Lorne Coe): Further questions from the government? No? Carrying on to the official opposition, please: MPP Arthur.

Mr. Ian Arthur: Thank you, Linda. This is MPP Ian Arthur from Kingston and the Islands. I just want to say thank you very much for your very thoughtful and well-researched submission. No matter whether I'm asking you a question or making a statement, I will endeavour to try and allow you to answer that without interruption.

Ms. Linda Heron: Thank you.

Mr. Ian Arthur: I wanted to talk a little bit about the permit to take water. Now, that's most often associated with companies, such as Nestlé, who have large take-water contracts, and they're actually removing water from the water table. We hear a lot about that in the news. It's very prevalent.

I do want to follow up on MPP Schreiner's idea. I think it's fairly easy to make the argument that there is a difference between companies such as Nestlé and a water dam. They both can have environmental impacts, but it would be hard to put them in the same thing.

Would you explain a little bit more about why the permit to take water applies, how it applies, and why it's the most effective way of doing this and not some other piece of legislation?

Ms. Linda Heron: The permit to take water ensures the proper sharing of water. With hydroelectric facilities, as I explained before, hydroelectric dams will hold water back for hours at a time while waiting for peak-demand hours. Then they'll release the water through the turbines.

The Ministry of the Environment, through the permit to take water, ensures that the operating plan is being followed, that enough water is being put through for environmental flow, that they're not holding water back longer than they should be, that basically river beds are not going dry and that habitat and fisheries are not being impacted by these facilities.

1320

I know of one instance in Englehart, the Misema dam on the Misema River, that was owned by TransAlta. Because they were getting these peaking bonuses, I would imagine, they were working the river too hard, going beyond their operating plan. The Ministry of the Environment shut them down and they fined them. I don't know what TransAlta was fined. The problem is, after the fact, habitat is destroyed, shorelines are eroded, all kinds of damage occurs, and it's very hard to get the habitat back, to get the fishery back to a healthy state.

This is the kind of work that the ministry does. They ensure that there is enough water in the rivers, that the operating plan is being followed and that water quality and water quantity is according to the operating plan. They're fined if they—and this company was shut down. They didn't operate for a period of time because they had gone against their operating plan, the permit to take water.

Mr. Ian Arthur: Okay. Thank you very much. I'm going to pass it over to my colleague Catherine Fife.

Ms. Linda Heron: Okay. Thank you.

Ms. Catherine Fife: Thanks very much, Linda. I just want to get through one of the points at the very end of your presentation where you quite rightly point out that the industry's water power track record has been pretty dismal, with only three fishways at hydroelectric facilities in all of Ontario. I think it is possible for water power—because most of us agree that it's a clean source of energy. But there has been a real lack of leadership, if you will, on ensuring that—the environment is, of course, not protected throughout that. So the water-taking permits haven't really worked with regard to ensuring habitat and species protection.

Is there a sector that's doing it well, that Ontario could model after? Or do you have any recommendations for the

committee on environmental policy that actually may be successful, semi-successful?

Ms. Linda Heron: Well, I have said that the Ministry of the Environment, Conservation and Parks, through the permit to take water—it has been effective; they have been effective. What hasn't been effective is the water power industry being able to write their own water management plans that, really, have been in draft for 15 years and have never been approved. They wrote their own class environmental assessment for water power and amended it without public consultation. They wrote their own best-management practices. So this is the water power industry that hasn't worked, because they're looking out for the best interests of the water power industry, not the environment, not the communities, not the fisheries nor First Nations and Indigenous peoples. That's what isn't working. We have a good model here in Ontario, and that's what we should be following—

Ms. Catherine Fife: Well, I would—sorry, please continue.

Ms. Linda Heron: Yes, I believe we need to keep in place the permit to take water, with hydroelectric facilities being regulated by the permit to take water. It has worked, and there's nothing wrong with that program. What is wrong is that the water power industry wants their cake and to eat it, too. They want to also now be able to bypass all these environmental obligations that they have to the communities, to the fisheries.

Ms. Catherine Fife: I think that this is a very informative presentation, because I would suggest that it isn't working. I mean, right now in Bill 132, for instance, the government is going to allow the aggregate industry to rewrite their own site plans with regard to pit development. I think that there's a lack of oversight—

Ms. Linda Heron: Well, I think that what the problem is is the gutting of our environmental protections that's happening right now. That's where the problem lies. Yes, we also commented on the Aggregate Resources Act, and we have many issues with that as well. But the problem is when the government hands over responsibilities for important resources: the environment.

A lot of people take their drinking water from the rivers and lakes. They handed over to a water power owner that responsibility. You cannot rely on a for-profit business to look out for the best interests of the environment and the communities. You just can't do it. It would be the Wild West on Ontario rivers. There would be sections of the rivers that have no water in them because they are offered lucrative peaking bonuses to produce power during peak demand hours. And they do hold the water back. Even hydroelectric facilities that have the run-of-river have had a little bit of freeboard and will hold water back as much as they can to produce it during peak demand hours.

Ms. Catherine Fife: There was a time in the province of Ontario when the province owned and operated those waterways and those water power facilities. It was under the previous government that the privatization of water power happened. We can't rewrite history—not today, anyway. We can make some recommendations on a go-forward basis that ensure that, for instance, we have more than three fishways at hydroelectric facilities in all of Ontario, because that's absolutely unacceptable.

Thank you very much for your time, Linda.

The Acting Chair (Mr. Lorne Coe): Further questions? All right.

Thank you very much for your presentation.

Ms. Linda Heron: Thank you.

GRAVEL WATCH ONTARIO

The Acting Chair (Mr. Lorne Coe): We're going to move on to our next presentation, committee members: from Gravel Watch Ontario. Please come forward. For purposes of Hansard, sir, if you could please introduce yourself. Your presentation will be 10 minutes long. As you reach the nine-minute point, I'll just remind you that you have one minute left. You can start, sir.

Mr. Graham Flint: Good afternoon. My name is Graham Flint. I have the privilege to serve as the president of Gravel Watch Ontario.

Gravel Watch Ontario acts in the interests of residents and communities to protect Ontario's natural and built environment in matters that relate to aggregate. Established more than 15 years ago, we are a coalition organization with individual and group members from across Ontario. Our dual mandate is, first, to help communities deal with aggregate challenges, and, second, to work with decision-makers to improve aggregate policy, legislation and regulation in Ontario.

Let me start by thanking you for having the opportunity to appear before you. As Bill 132 is an omnibus bill, I'll acknowledge that our comments will be primarily focused on schedule 16 and, even more particularly, the changes proposed to the Aggregate Resources Act.

While we are very pleased to have this opportunity today, we feel compelled to comment on what it has been like to engage with this government on aggregate matters. After the government was elected in June of 2018, we did what we traditionally do, and reached out to the MNRF minister to congratulate them and ask about engaging with their team. We did this by written letters, emails and phone calls. We never received any response. When the MNRF minister changed, we did the same outreach once again. This time, we also didn't even receive any acknowledgement, even of our communications. This is the first time in the history of Gravel Watch Ontario that our provincial government outreach has been so consistently ignored.

We felt that we might have another opportunity when, on February 20 of this year, the minister announced at the Ontario Stone, Sand and Gravel Association annual meeting that a March 2019 aggregate summit was planned. Once again, we reached out to the minister, and once again, despite many attempts, all enquiries and requests to participate were unsuccessful.

The March summit came and went, and we became aware that our exclusion from the event was far from unique. Environmental groups, other citizen groups, top aggregate-producing municipalities from across Ontario—all these organizations were excluded from the

summit. The attendees appeared to have been almost exclusively members of the aggregate industry.

Undaunted, though, we reached out to the minister's office in early April, this time contacting the senior policy adviser, who we had learned was handling the aggregate file. This time we were able to arrange a meeting. But unfortunately, despite reconfirming the meeting the day before, we arrived to find that the adviser was unable to meet with us. While two people did take the meeting with us from the minister's office, they weren't very deeply knowledgeable on aggregate matters, and as a result, it ended up being a courtesy rather than any type of substantive discussion.

1330

Fast-forward to September when we received notification of a posting on the Environmental Registry of proposed changes for the Aggregate Resources Act. The proposal was posted on September 20, and the comment period was scheduled to closed 45 days later on November 4. Imagine our surprise when, on Monday, October 28—a full week before the comments were due—Bill 132 was introduced in the Legislature, containing changes to the ARA.

So that brings us to these committee hearings today. We hope that the input you receive will help you to chart the best way forward when it comes to aggregate policy. We hope that this isn't some sort of check box or tick box exercise. Our experiences over the past 18 months make us very nervous and concerned.

As we have limited time, our comments orally will be to summarize thematically the submissions that we have already made in writing.

The first general theme is that the concerning elements—the bad news, if you will—about ARA changes in Bill 132 are very specific, but the good-news aspects of the original proposal on the Environmental Registry are often absent or simply references to unfulfilled future actions. For example, consider the matter of regulating whether aggregate extraction can occur below the established groundwater table. Changes in Bill 132 remove the municipalities' ability to zone whether a pit or a quarry can extract within the groundwater table. The proposed changes make it clear that the depth of extraction for aggregate operations will be dealt with solely via the aggregate licence issued under the ARA.

A pillar of the aggregate regulatory framework in Ontario is the interlock between a municipality's authority and obligation to manage land use through zoning, and the provincial government's interest in aggregates through the issuing of aggregate licences. An aggregate licence or permit cannot be issued if the zoning isn't in place, and even if zoning is in place, extraction cannot occur without an aggregate licence. Municipalities therefore have used this interlock to help manage the responsibilities they have, for example to ensure access to safe drinking water for their residents, when they consider aggregate sites.

The Environmental Registry posting spoke to establishing a process to, "Strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the groundwater table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal."

While Bill 132 explicitly removes the ability of municipalities to zone for below or above groundwater table extraction, it does not provide any information on the "more robust application process"; it creates the risk and threat immediately, but references only the possibility of some future element that may mitigate against it.

Bill 132 also contains a number of other changes which weaken existing controls on aggregate extraction activities. For example, it talks about an expedited process for expanding aggregate sites into adjoining road allowances that is proposed, subject to prescribed conditions. But there have been no communications on what those prescribed conditions might be, yet the language in Bill 132 enables the expansion. Schedule 16 also has the concept of permit-by-rule or, in this case, self-filed site plan amendments without providing any specifics as to the range of amendments being considered nor the process that would be followed to actually implement such an option.

In a generalized sense, Bill 132 opens the door to what our members would consider as threats and concerns, without providing the specifics to determine if those threats can be managed or mitigated. Which brings us to the question: Why are these changes being proposed?

Aggregates are a key component of the supply chain for many downstream industries in Ontario. Whether it is the manufacturing of consumer products, industrial products or the more visible construction industry, all of them require a reliable source of aggregates. Aggregates, though, are only one component of the supply chain, and the economic value of aggregates is maximized when they are used to support these other activities. Aggregate extraction alone is not a driver of economic growth in Ontario. Economic growth in Ontario drives the demand for aggregate. Digging up more stone and stockpiling it will not increase Ontario's economic prosperity.

Aggregate extraction is also not a benign industrial activity. It is socially and environmentally intrusive. The MOECP defines it as a class III industrial activity, which is characterized as follows: they create noise which is frequently audible off-site; dust is typically generated, which is persistent and/or intense; ground vibrations can be frequently perceived off the property; there is a large storage of raw and finished goods with large production levels; and frequently they are the source of major annoyances. We would add to that that they are the source of conflict for many Ontarians living in rural communities. Maximizing the number of aggregate operations in the province is not a goal in Ontario's best interests.

The question is, can the aggregate industry in Ontario provide a sufficient supply of high-quality aggregates to meet the demand for downstream use?

The aggregate industry frequently raises supply concerns, but respectfully, they have been raising those concerns for decades now. There are no media reports of projects having been delayed or cancelled due to a lack of supply of aggregate; neither have there been any reports of a significant increase in the price of aggregates. In fact, the opposite has occurred. If aggregates were supply-constrained, economic theory would predict that the price for them has been increasing. There is no evidence of an industry in crisis.

Therefore, given that many stakeholders have been excluded from the work done on the aggregate file thus far, that there is no marketplace evidence of an aggregate supply crisis that needs to be addressed and that the Bill 132 changes as proposed are incomplete, thereby creating more risk and uncertainty, we respectfully ask that changes to the ARA be postponed until fulsome multi-stakeholder consultations have been held to ensure that any resulting aggregate reform initiatives are what Ontario truly needs.

At the very least, we ask that the Bill 132 ARA amendments do not go forward until the necessary supporting regulations have been developed and circulated for comment. It is poor governance to open the door to something without fully defining what it takes to earn the right to walk through that door.

Thank you. I'll be happy to take any questions or have any discussions that you wish to have.

The Acting Chair (Mr. Lorne Coe): Thank you. We'll turn to the government side to begin. MPP Harris.

Mr. Mike Harris: Thank you, Mr. Flint. It's great to meet you today. Obviously, as the parliamentary assistant to the Minister of Natural Resources and Forestry, I'm pretty up to speed on what's going on.

There are just a couple of things that I wanted to just mention off the top, and then we can get into a little bit more of what you spoke about. I just wanted to apologize if you haven't been getting a great response from our ministry. I'm certainly happy to sit down with you at any point over the next little while and go over some of these next steps and different things that we're looking at doing. That's part of what we're doing here today, is hearing from people and looking at ways that we might be able to craft better legislation going forward. That's a big part of what these committees do, and I think all sides will agree to that.

Going back to a couple of your comments about the aggregate summit, there was obviously OSCO, which was there, but there were also members from municipalities there as well, including the chair of TAPMO. Sue Foxton was there and participated in a lot of what was going on. Sue is a neighbouring municipal leader to myself, in North Dumfries. I did want you to know that there were people there not just from Ontario stone, sand and gravel.

With that said, I've had an opportunity locally, in my area, to meet with a lot of your members. Tony Dowling—I think you had a chance to see him, actually, over the weekend.

Mr. Graham Flint: I did.

Mr. Mike Harris: And also Rory Farnan, who came down and did some deputations in London, and also Samantha Lernout—I actually sat on her front porch for an hour with a big group of people and just chatted about what was going on with some different applications that are happening in Wilmot township.

With that said, people are listening. We are out there. We are engaging. I am certainly willing to, like I said, get a chance to sit down with you and some of your folks here at Queen's Park. That offer is extended.

I just wanted to dive into a couple of things that we're talking about here. We're specifically talking about below-water-table extraction. There are not really a lot of rules that have teeth in place right now when it comes to that. It's done via a site amendment. You're not officially able to object to it to the LPAT. We're looking at making some changes to that, to be able to streamline that process so that it's fair for all municipalities and all producers. Obviously, we have some smaller municipalities that don't have the capacity to be able to do a lot of studies, you know, having to hire geological staff, hydrogeological staff—different things like that. Bringing that within the ministry, we feel, is actually going to help create a fairer process across the board and a more streamlined, robust application process.

But there are a few key things in here that we're looking at that are actually going to strengthen the regulations that come with going below the water table. Number one is having to put forward a new application. It's not a site-plan amendment, so you still have to go through consultation and you still have to go through EA processes. Of course, it still has to be done with consultation from the municipality. I think that's one of the key things that has been a little bit overlooked here. Just because it's the province that's going to be ultimately the one that would sign off on this—there's still consultation that happens from that municipal standpoint. It's very important. Where we live, obviously, we have the region and we have the lower-tier municipality as well, so making sure that we have consultation from them is still very vital in what's going forward.

1340

But having to move through EA processes: It's not a very robust process when you're doing it from a site plan amendment, but the way we're looking at it, it's going to be a lot more stringent and there will be a lot more work with my colleague's ministry and MECP as well.

I just wanted to get some of your comments on what you think about strengthening those types of regulations and how that can be legitimately beneficial to moving things forward.

Mr. Graham Flint: You've given me a lot to react to, so let me sort of take it one point at a time. If I represented that there was nobody at the summit other than industry players, that would be inaccurate.

Mr. Mike Harris: That's what it sounded like.

Mr. Graham Flint: They were few and far between, though. I think, to be fair, MPP Harris, you'd have to acknowledge that the vast majority of people—more than 90%—were industry players. So let's just park that for a moment.

In talking about the existing situation around going from above to below water table on an existing site, you're absolutely right: It's an amendment process at this point in time that's driven by the ministry, with the municipalities participating as a commenting agency.

You used a phrase a couple of times about "EA." I caution the use of that word simply because environmental assessment has a very distinct meaning to it. We would love it if aggregate operations were responsible to go through an EA-type process, because one of the first things that EA processes deal with is need. Right now, there is a provincial policy statement that says that you don't need to demonstrate need, and we think that's the root of a lot of the problems we deal with. But that's a whole other subject. We can go there if you'd like me to.

Specifically, the challenge with what's being proposed and the philosophy that you're speaking about is this idea of taking away the municipalities' decision-making. It's one thing to allow a municipality to appeal a decision or to have an ability to move forward to challenge something; that's an inferior position to be in than making the decision up front itself.

Even from the economics of it, if it's before council, they can, through their application fees etc., recover the costs they need to do the studies to understand their position on this application, whether it's good or bad. When they're simply an appellant, it's all cost for them. They've got to come after the fact in a situation that has perhaps already prejudiced their position and challenge it. Being a decision-maker is a much stronger position to be in than a challenger of a decision that has been taken by someone else. So I appreciate that.

The other comment I want to make to you, though, is—and I don't mean to be disrespectful to the government—it's all just words at this point. The language in the bill that's before us that we're considering says that we're taking away the rights of the municipalities to zone for above and below, and it provides a placeholder saying, "If there are specific requirements and processes required for this"—

The Acting Chair (Mr. Dave Smith): One minute remaining.

Mr. Graham Flint: —"they must do it," but it doesn't say what those things are. So I hope that the spirit of your comments to me actually are brought to life, because then I would be very supportive.

The final thing I just want to say, though, is this whole thing about the role of MNRF in the province. We have been advocating for years that the role of MNRF when it comes to siting aggregate in the province has been reduced to a clerical processor: Did the right form get filled out? Are the papers getting shifted to the right place? We think they need to become a centre of expertise. They need to weigh in on best practices for aggregate operations across Ontario so that we can bootstrap up and make sure the industry gets better and better, using them as an authority to manage how it should be done.

The Acting Chair (Mr. Dave Smith): Twenty seconds.

Mr. Mike Harris: Twenty seconds. I just want to say thank you.

Interjection.

Mr. Mike Harris: No, realistically, thank you. There are some good things in there that I'm happy to hear about.

The Acting Chair (Mr. Dave Smith): MPP Fife.

Ms. Catherine Fife: Graham, thank you for specifically giving us very detailed commentary on the aggregates act. Really, this is a pattern that we've seen with this government that, in an effort to look efficient and to look non-governmental, they rush through legislation and then we spend a lot of time and energy trying to undo some of that damage. I would see that that would be some kind of a burden, not just a red tape burden.

When the government side, though, says to you, just to quote some of the language specifically around the ARA and around the role of municipalities—and, of course, communities advocate through their municipal levels of government. When a gravel pit is proposed, they say that this is going to be more robust and more stringent and more streamlined, and yet at the same time, and this hasn't come up yet this morning, they are repealing the Local Planning Appeal Support Centre Act, which was a mechanism that was brought in to support citizens as they navigate this messiness of environmental reform. They didn't even give it a chance to start to work, so I just would like to get your commentary on that, please.

Mr. Graham Flint: We were very disappointed at the sudden change back to—new name, LPAT, but really old OMB rules going back, and in particular, the support centre. It was really just getting bootstrapped up. We had about three of our member organizations that had reached out to that organization and were finding value in terms of their engagement and the ability to participate more effectively.

It's a very emotional issue for communities when they get threatened by one of these. The rhetoric gets calmed down as people understand the process and what they can do with it. That support centre was a great tool to help that happen. It was very disappointing that it got removed.

Ms. Catherine Fife: I think that it does speak to where this government is going, with the full knowledge that there is huge power imbalance out there in the province of Ontario between citizens' groups and developers or the industry sector.

We know that so well in Waterloo. I was one of the founding members of the friends of the Waterloo moraine because of development concerns. We were designated as a good place to grow, so that means we should have gone up instead of out, and the OMB overruled even the provincial policy. So now we're back to square one, and really, that circumvents democracy in so many ways.

Your request of this committee: You say, "At the very least, we ask that Bill 132 ARA amendments do not go forward until the necessary supporting regulations have been developed and circulated for comment. It is poor governance to open the door to something without defining what it takes to earn the right to walk through the door." I think that's very powerful, and I think it speaks to trust.

Do you trust this government to get it right on even the above-and-below factor? Because those are big stakes.

Mr. Graham Flint: My opinion is that it is simply poor governance. It's like the old thing about fences making good neighbours and contracts making good business partners. If you know the rules on the table, then everyone knows what their expected behaviour is to be. I think it's just bad governance to open the door to permit-by-rule, expansions in the road allowances, and the number of other things that are in that bill, without defining all terms in it. They are placeholders.

The legislation has been written to basically say, "You can do this, subject to prescribed conditions," but it doesn't say what those conditions are. We're basically just saying, "You can do it."

Ms. Catherine Fife: I also want to say, in your commentary with MPP Harris around the MNR and trying to strengthen the Ministry of Natural Resources, it's quite something that schedule 16 also proposes to expand the ability of aggregate companies to self-file their own changes to site plans without ministerial approval.

Mr. Graham Flint: Correct.

Ms. Catherine Fife: Given the history of this province, why would you remove the responsibility of a minister to actually ensure that an aggregate pit—in our instance, it would be the Hallman pit in Wilmot township—is not going to compromise the water table? Because we are on an aquifer as well.

Mr. Graham Flint: This whole thing about permit by rule, in my opinion, is that we're getting caught into a mess in the middle. Either you care about something, and you need clear regulations and you need a clear process to determine whether that something can happen or not, or you don't. We're sort of in this thing in the middle saying, "Well, there are these things that we care not enough about—we'll have rules about them, but we'll let you just do those things by yourself." You either care about them and there's a process and there should be oversight on them, or there shouldn't be. This thing in the middle, I think, is just going to create a degree of uncertainty.

Ms. Catherine Fife: And you make a very clear distinction between oversight versus regulation. It feels like it would be the Wild West out there in the way that aggregate pits are developed. Removing municipal and even ministerial oversight to ensure that public health is not compromised seems like they're gambling with public health.

Mr. Graham Flint: And, if I may, the challenge about this activity too is that these issues are context-related. To one particular property, changing the type of fencing you might put around the property might be irrelevant, but if you had livestock or an agricultural field beside it, you might really care how that fencing is.

1350

Another example was used in dialogue with the ministry about moving stockpiles. Well, if there's dust blowing off the top of these stockpiles, moving it from one area of the operation to another area of the operation to a sensitive receptor might be a very big deal. In another context, it might not matter at all.

One of the things that we proposed in our submissions is that if you want to go down this road, have these things that you think are low-risk, have the applicants and the operatives be able to put them forward, but have the ability of the citizens—it's a bad analogy—like the bump-up on an EA, to raise their hand and say, "Wait a minute. In this particular context, here's a substantive reason why this isn't trivial. It does deserve review and analysis and decision-making, not just done automatically."

Ms. Catherine Fife: Thank you.

The Acting Chair (Mr. Lorne Coe): MPP Arthur, please.

Mr. Ian Arthur: Thank you very much for your presentation. I just want to continue on this line about leaving it to the regulations and outside of the legislation. Regulations themselves can be changed very, very easily without notice to the public, without the same sort of oversight that legislation has. Even if you were happy with the regulations that are to be developed, even if you were happy, they could effectively be changed at a later date and there would be slim to no ability for the public to have input on that.

Mr. Graham Flint: That's very correct. I would say that the use of the Environmental Registry thus far by this government has given us reason to be very concerned about that, because they would have to be posted as a regulation, but it's a lot less burdensome or gets a lot less review and scrutiny than if it were in the legislation itself. You're very correct.

Mr. Ian Arthur: I want to talk a little bit about stable operating environments for businesses or individuals. What you've effectively said is if either side of that—frankly, if a very strong citizens' group were to affect it, the government could change the regulations and have an adverse effect on business or, honestly, the more likely outcome is businesses aren't happy with the regulations, lobby them, and cabinet can change those regulations later without the same review process.

There are so many regulations that still have to be written for legislation this government has already introduced. The time frames on that are anywhere from a year to two years. What even happens in terms of stability in the interim period before those regs are developed? How are companies going to operate? Will they operate assuming they can just continue going ahead? Do you have any thoughts on that?

Mr. Graham Flint: I share your concern around the problem, both in terms of the uncertainty—that's why I use the term; the changes as they're written today, I think, introduce uncertainty for all parties involved. That doesn't set the province up for success when there's uncertainty as to what's required.

Mr. Ian Arthur: And just one last question, which brings us to the question of why these changes are being proposed in the first place, and then you go into a series of counter-arguments: "I can't because of A, B and C." Do you have any intuition or ideas about who is actually pushing these sorts of changes?

Mr. Graham Flint: I have my suspicions from reading the newspapers and listening to the evening news and that

kind of stuff, and the fact that I think that the industry or the people in the room with the summit—when the summit was announced, it was described by the minister to "create the conditions to unleash the potential of the resource sector." That's a direct quote. That, again, made me kind of nervous because I don't think digging up Ontario's landscape and putting in big piles creates any prosperity for Ontario. Ontario needs aggregate for other reasons. Those other reasons should be the driver, and when we look at the industry as stewards and as facilitators to make it successful, we need to look at it from the viewpoint of, "Is it meeting demand?" It's not a means to itself.

The Acting Chair (Mr. Dave Smith): Thank you for your presentation.

MPP Schreiner, please.

Mr. Mike Schreiner: Thank you, Graham. I appreciate that. One of the comments the member opposite made that I actually agreed with is that the Aggregate Resources Act is far too weak and some of those regulations absolutely need to be strengthened. But does it worry you that in that weakened framework already we're making municipal bylaws inoperative around more water table aggregate extraction?

Mr. Graham Flint: It scares me to death, if I'm going to be very graphic with you. I hope my point came through. There was this interlock when the aggregate framework was originally put in place, that while the province had an interest in making sure that we had aggregate as a building block for our prosperous standard of life, municipalities had the zoning control in terms of all the responsibilities that they need to do for their residents. Unless those two pieces both agreed to open the door and say that aggregate extraction could occur, it didn't happen. So anything we do to roll back what municipalities can do—because municipalities also have the local context. They know more about what's going on in the local community than the province ever will, just by nature of their role in government. So the two of them need to come together to make that decision. If we weaken what the municipality can do, we're setting ourselves up for problems.

Mr. Mike Schreiner: I thought the point you made about how in one area it might work, and in another area it didn't, speaks to this. You represent even small, rural municipalities, like your members of your coalition, right?

Mr. Graham Flint: Very much so.

Mr. Mike Schreiner: Because one of the arguments has been, "We need a one-size-fits-all solution because some rural municipalities don't have the capacity to deal with these bylaws." Would you agree with that?

Mr. Graham Flint: One of the things—and it goes back to the point that I exchanged with the government member, Mr. Harris. I think the MNRF has a bigger role to play in this. It concerns me that they act mostly as a shepherd—so these documents: "Were the documents prepared by a qualified person? Okay, there's been a study on groundwater done." No. The ministry has to wade in and understand about blasting, about—

The Acting Chair (Mr. Lorne Coe): Thank you, sir. Your presentation has concluded. Thank you very much for being here.

MATAWA FIRST NATIONS MANAGEMENT

The Acting Chair (Mr. Lorne Coe): I'd like to invite you to come forward, please, Matawa First Nations Management. Please come forward to the table. Thank you.

Good afternoon and welcome. We look forward to your presentation, which will be 10 minutes long. For the record, for Hansard, if you could please introduce yourselves, speaking clearly into your microphone. Thank you.

Chief Harvey Yesno: Good afternoon, Chair and members here this afternoon. My name is Harvey Yesno. I am Chief of Eabametoong First Nation.

Chief Celia Echum: Chief Celia Echum, Ginoogaming First Nation, Longlac, Ontario.

Chief Veronica Waboose: Chief Veronica Waboose, Chief of Long Lake reserve #58.

The Acting Chair (Mr. Lorne Coe): Thank you very much. Please start your presentation.

Chief Harvey Yesno: Thank you, Mr. Chairman.

Today, we're going to be presenting on behalf of Matawa First Nations, which comprises of nine First Nations. Five are remote fly-in only and four are road access communities. We are presenting our concerns on Bill 132.

Four specific technical points we believe directly impact on the inherent Aboriginal and treaty rights of our First Nations.

The first is in schedule 8 with regard to the 45-day approval period for a mine's online closure plans, with regard to opening mines in Ontario. We are concerned with a diminishing of our First Nations interest in the life cycle of a mine, from advanced exploration to beyond closure. Our First Nations are the people who will be left with the mines once they close.

(2) Ontario also indicates that a regulatory change will be made that is not included in Bill 132 clearly. Merging of mining claims is now proposed by Ontario. It cannot exclude our First Nations from examining the impacts, and reassessing if new discussions, consultation and/or agreements will be required.

(3) In addition to (1) and (2), the Ontario government has not explained to First Nations how any changes to the Far North Act will have direct impacts on the Mining Act. The Far North Act and the Mining Act are strongly related pieces of legislation.

(4) Schedule 16 addresses the Aggregate Resources Act and the Crown Forest Sustainability Act. Both of these pieces of legislation require First Nation participation on these shared natural resources. Most concerning is that Ontario is proposing a new permitting system related to accessing the Far North.

We have included in our written submission items such as the 1985 Royal Commission on the Northern Environment that was initiated by then Progressive Conservative

Premier Bill Davis. All of Ontario needs to understand that development of the north is not a new issue.

The Ontario government must honour the treaty relationship and be willing to work with First Nations to secure mutual interests on the economy and social prosperity.

1400

Premier Ford committed, at a meeting with the Chiefs of Ontario political confederacy on October 7, 2019, that nothing would move ahead with the Ring of Fire unless all First Nations agreed. On November 13, 2019, the Minister of Indigenous Affairs and Energy, Northern Development and Mines, Greg Rickford, also committed to Nishnawbe Aski Nation chiefs in assembly that there would be full communication and coordination on the repeal and amendment of the Far North Act, 2010.

The way forward and the path to prosperity and certainty in the north will require partnership and equal decision-making on shared interests, and not unilateral legislative changes or further exclusion from self-determination.

First Nations want to be meaningful partners in the growth of our communities and economy. Matawa Chiefs Council will continue establishing options and solutions for partnership with Ontario and industry. The question is whether Ontario has the vision to partner in new ways with us.

Progress is being made across the country. For example, the province of Alberta has announced plans for a crown corporation to ensure participation of the First Nations in resource development. The province of Manitoba fully recognizes and acknowledges its provincial crown obligations to First Nations in their mining policies. The province of Quebec has announced plans to draft new mining consultation policies and include the participation and input of Quebec First Nations. The Minister of Indigenous Affairs and Reconciliation of British Columbia has proposed new government legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples and to include BC First Nations in the implementation process.

These may not be entirely correct approaches for all Alberta, Manitoba, Quebec or BC First Nations. However, the province of Ontario has to recognize that a colonial and adversarial approach to First Nations in Ontario is not conducive to establishing economic certainty and an attractive investment environment.

The Matawa chiefs also acknowledge that the United Nations Declaration on the Rights of Indigenous Peoples legislation has been proposed in the Ontario Legislature under a private member's bill, Bill 76, by MPP Sol Mamakwa of Kiiwetinoong riding, and is currently being referred to this same committee, the Standing Committee on General Government, with no forward-moving indications at this time.

I'm going to ask my colleague Chief Celia to say a few words here, followed by Chief Veronica.

Chief Celia Echum: The challenges that we are facing are real. Ginoogaming First Nation has experienced what will be required in the case of old, closed mining operations in our traditional territory. We need to ensure that First Nations are able to plan for the opening, production and closure of mines from start to finish.

Chief Veronica Waboose: *Remarks in Ojibway.*

Our presentation today is related to only legislation and regulation. We also understand, as First Nations, that we must include the environment and the long-term effects and benefits for our communities in these discussions. Meegwetch.

Chief Harvey Yesno: The Landore decision is a good example of when Ontario policy fails, and I'll quote from the panel of three judges that said "... do not reflect a genuine desire to engage in real, straightforward and honest consultation.... they unfortunately do not meet the standard required to maintain the honour of the crown."

This bill will increase the distrust between First Nations governments and industry. That is not our intent. Matawa First Nations want to be partners in the economy to improve and build our communities in Ontario. Matawa First Nations are not opposed to development. However, First Nations require a seat at the table. First Nations are willing to be meaningful partners with Ontario to deliver certainty for investment and development in the north. The basis of this partnership is recognition of Ontario's crown obligations and willingness to address our mutual interests and concerns.

In closing, the Matawa First Nations request the Standing Committee on General Government:

—to advise and report to the Legislature that Bill 132, schedule 8, related to the Ministry of Energy, Northern Development and Mines's proposed amendments to the Mining Act legislation policy and regulation, be removed from Bill 132;

—that Bill 132, section 16, related to the Ministry of Natural Resources and Forestry and proposed amendments to the Aggregate Resources Act and Crown Forest Sustainability Act legislation policy and regulations. be removed from Bill 132;

—to conduct an Ontario crown obligation assessment for First Nations' information purposes that any and all proposals contained within Bill 132, the Better for People, Smarter for Business Act, 2019, be reassessed for Ontario's crown obligations to First Nations; and

—that the government of Ontario proceed in an innovative approach to including Matawa First Nations not only as partners but as the investors of certainty required for economic and social prosperity.

We have included a detailed written submission that will be submitted today for the standing committee's review and information purposes.

Mr. Chairman, I'm done with my presentation.

The Acting Chair (Mr. Lorne Coe): Thank you very much, Chief.

This round of questioning will start with the official opposition. MPP Fife, please.

Ms. Catherine Fife: Thank you very much for coming today to provide a different lens on this legislation. New Democrats have already articulated our concerns, specifically around schedule 9 and schedule 16—schedule 16 going so far as to be undemocratic.

I also wanted to let you know that MPP Mamakwa wanted to be here today and he wanted to be part of this conversation. Unfortunately, there's an opposition day motion that's before the House and he could not be here. But we, of course, are always learning from and listening to our new colleague here.

We just received your package, so we haven't had a chance—but in it, you're already in court with this government. This is the Ontario Superior Court of Justice Divisional Court between the Eabametoong First Nation and the Minister of Northern Development and Mines. You've provided us with this?

Chief Harvey Yesno: Yes, that's a copy for your information. That decision was made a year ago, in 2018.

Ms. Catherine Fife: Yes, it says "February." You're basically giving this as an example as to how things may proceed if schedule 16 and schedule 9—and particularly schedule 8, with regard to the Far North Act, as changes are not made and are not inclusive. Is that why you've included this as an example?

Chief Harvey Yesno: Yes. We respect the courts of the land and the decisions that are made there. We challenged the decision that was made by the director. We did uncover things there, and one of them is the pressure that's put on, say, a director by industry to make a decision. All we are saying is, are we going to respect the court rulings here as they relate to our rights?

Ms. Catherine Fife: It does say that this is another claim that the crown had a constitutional duty to consult and failed to discharge their duty. Is that right?

Chief Harvey Yesno: That's right.

Ms. Catherine Fife: You also mentioned in your presentation that the Minister of Indigenous Affairs, MPP Rickford, that he had made a promise to consult. Does this legislation reflect that promise?

Chief Harvey Yesno: The statement that I was referring to—I was present there, because I'm Chief of Eabametoong, at the Nishnawbe Aski Chiefs Fall Assembly in Thunder Bay on November 13 and 14. His address to the chiefs was the commitment of full co-operation and full coordination, specifically as it applies to the repeal of the Far North Act, and also relations with First Nations.

Ms. Catherine Fife: Okay. Thank you very much.

The Acting Chair (Mr. Lorne Coe): MPP Arthur, please.

1410

Mr. Ian Arthur: I'd like to pick up on that, and the full communication and coordination. At what point were you consulted on this bill?

Chief Harvey Yesno: None. Through our staff, we've been monitoring a lot of things, because a lot of the activity that's going on in our territory, through media reports and any releases or letters or presentations made to chambers of commerce and so on—they just raise the alarm. We've been watching what goes on here in this government.

Mr. Ian Arthur: So that's a lack of communication. Coordination has some pretty hefty implications. You brought forward the point that the Far North Act, the Mining Act, the Aggregate Resources Act, the Ontario Water Resources Act—all those pieces of legislation interact with each other. When we're talking about care for the land and the impacts that it can have, what I drew from your presentation is that you're asking for recognition of all those acts and how they integrate, how they affect First Nations in Ontario, and a more holistic approach to resources that involve First Nations in Ontario's north.

Chief Harvey Yesno: Well, I live in an area that is called "north of the undertaking." When the Far North Act was put in place in 2010, it was to address that area and all those things that you had mentioned, because south of the undertaking had forestry plans and parks and all of this. This was an attempt, with our participation, to ensure that however development is going to be or however permitting is going to be done in the Far North, we would be included. That was our essential position, as far as developing the north.

What we're saying in this bill is that we find this is a step backwards. This is not about improving the relationship. We see this as—some of these are hidden, how they're going to be done through a regulatory process. That's just going to create, as I said here, more protests, more distrust, more litigation in the north, because we're the inhabitants of the north there.

Mr. Ian Arthur: I want to keep going down that thought a little bit—

Interjection.

Mr. Ian Arthur: Sol, do you have a question?

Mr. Sol Mamakwa: Yes, just a quick one.

Mr. Ian Arthur: Yes, of course; sorry.

The Acting Chair (Mr. Lorne Coe): Please proceed.

Mr. Sol Mamakwa: Thank you. My name is Sol Mamakwa. I'm the MPP for the Kiiwetinoong riding. I understand living and growing up in the north.

Some of the stuff I hear on the government side is, "Our economy is booming. All Ontarians matter. Affordability is important. Every Ontarian needs a safe place to live. Northern Ontario is open for business."

Do you think that this government is moving in that direction, whereby they're working with First Nations collaboratively in developing the north?

Chief Harvey Yesno: Well, we're here today to respond to this omnibus bill, Bill 132. As far as we view it, like I said, it's a regression. Like I said, and I'll repeat that, it's only going to create more uncertainty. But we believe, with our participation at the table, we'll create that certainty for industry to raise money to develop the north. We want jobs. We want businesses like anybody else. We want parity, like Commissioner Fahlgren said in the 1980s, as far as economic parity with the rest of Ontarians. It's been over 30 years, and we don't see that.

That's what I believe. I think this bill is just going to create more problems, not mitigate some of the things that we've learned. That's why I cited the Landore case. When that was done, Eabametoong First Nation extended their hand to the province and said, "Okay, that thing is done. Let's not repeat that. Let's learn from that issue. Let's move forward, because we want to move forward." What we see here today is not a move forward.

The Acting Chair (Mr. Lorne Coe): Further questions?

Ms. Catherine Fife: How much time?

The Acting Chair (Mr. Lorne Coe): You've got about a minute and a half.

Mr. Ian Arthur: Okay. Just quickly, this is the first bill that has actually been travelled by this government where there has been an opportunity for input across Ontario and then also in Toronto. You've come a long way to have some input into it. But I want to talk a little bit about the potential of the regulatory changes and how much this bill is handing off to regulations and how quickly those regulations can be accomplished. Do you think, going forward, as they try to develop or flesh out some of those regs that have to do with this, that there is an adequate avenue for consultation on that or to have input on that process?

Chief Harvey Yesno: One of the key pillars that I think we're trying to come across here is that in our treaty, Treaty 9, Chief Veronica Waboose speaks that they're not part of any treaty, but we are a treaty partner. Ontario is a signatory to Treaty 9, so we are partners, and we're saying, and we've said all along, that we've agreed to share the resources. We can't be put in the position that we're just another stakeholder. We're a partner with the government of Ontario and the First Nations in the north.

I think it's much more than just an exercise of sitting down and crafting regulations, because we've seen in our past that those regulations can easily be cast aside. We don't want our rights—the treaty Aboriginal rights—just cast off like that.

The Acting Chair (Mr. Lorne Coe): Thank you, Chief. We're now going to move to MPP Schreiner.

Mr. Mike Schreiner: Thank you to all three chiefs for making the trip here. The Green Party certainly shares your concerns around schedules 9 and 16, but I want to focus my question on schedule 8. You said two words to me that really spoke out. One was "partnership" and the other was "rights." How do you feel that the changes proposed in schedule 8 diminish First Nations' rights and affect your ability to have a partnership with government?

Chief Celia Echum: I guess I can try and answer you. I live in an area where there's industry. We have mining and forestry happening. We just finished up a partnership arrangement with Greenstone Gold Mines. There are two other First Nations that came along with me, and we sat down and we worked on this partnership for the last few years—I would say, probably, nine years. I've been here 15 years as chief. But we hammered out the details of what we wanted to do.

We know the fight that our elders, our young people, our middle-aged people—what is going to happen? What is the mine going to do to the area? We looked at the mine that opened in the 1930s; there was some stuff, like tailings, that was left behind. Those had to be cleaned up, and those were the things that we put in that arrangement that we had. The previous industry that was there, the mining company, left a mess. So we went back and looked at that and asked them, "Could you please improve this in our arrangement?" We can't mislay that. We are the caretakers of this land, so we made sure that arrangement was put into place. But this is a little bit of what we would—but we're partners now. When we included people outside of our treaty area—

The Acting Chair (Mr. Lorne Coe): Thank you, Chief. I need to interrupt you now.

Chief Celia Echum: Meegwetch.

The Acting Chair (Mr. Lorne Coe): We're going to move our questioning to the government. MPP Smith.

Mr. Dave Smith: Thank you, Mr. Chair, and, through you, Chief Celia, Chief Harvey, Chief Veronica, I want to say meegwetch for coming. I greatly appreciate the distance you have travelled for this.

With respect to schedule 8, I think there's a little bit of a misunderstanding. The consultation needs to be free, prior and informed on everything that we're doing with respect to the mining industry. That consultation process is not being modified or changed whatsoever. All of it needs to be done ahead of time before anything can be submitted for approval from the ministry. All we have done is that we've said that the ministry must respond back within 45 days.

Currently, under the legislation, there is no timeline set out. It could sit on a bureaucrat's desk for six months without any response. All we're doing is making a change to say that the ministry has to take a look at it and must give a response back within 45 days. That's not necessarily an approval; that's simply a response back. The response back could very well be, "You haven't done enough consultation. Go back to the First Nation, please."

1420

We want to make sure that what we're doing allows for everyone to be involved in the process, and that you get a meaningful response back, so that you can move forward or move sideways, or have an organization take a step back and re-evaluate what they were trying to do.

I think, under the current rules, there's a lot of ambiguity and there are a lot of delays. Those delays, I personally believe, create a lot more mistrust. All we're trying to do in this case is reduce the time, so that you will hear something back from the ministry within 45 days.

Is there an objection to that? Because I truly don't understand what the objection is, if that's what we're making the change for.

Chief Harvey Yesno: The director didn't really highlight that. But the director has been in power to—I think it's the director of mine rehabilitation, if I got the language correct there, who will have the unilateral ability to decide that, and also to be able to decide the level of consultation. It's a director.

That's why I keep mentioning that, as treaty partners, we're different from any other person that would maybe present at this table. We see that as a significant relationship between the government of Ontario, who is a signatory of treaty number 9, and our First Nations. But in this case, the director has the ability to assess that and make that decision.

Mr. Dave Smith: That's not a change to the legislation; that is something that has been in it. All we're making the

change do is, we're saying that they must give a response back within 45 days. That's the only change that we're doing to it.

If I can move to another section, you've talked a fair bit about the Far North Act. We have been in constant communication with Nishnawbe Aski Nation about this, about the Far North Act. That's why the Far North Act is not part of this bill whatsoever. We're still in that consultation phase with you on that. I think that that is a way that we're trying to build more trust with you. We've recognized, through the consultation process that has gone on over the last year or so on that, that it's not completed yet. That's why nothing has been brought forward with the Far North Act, because we still need to have more conversations. We need to make sure that whatever change we make to it is a positive change for everybody involved. I think that that is one of the ways that we're trying to build trust.

We recognize that you still have some serious concerns with the Far North Act. Some of those concerns are different amongst different First Nations, and that's why it is not brought forward at all at this point. We still need to have more conversation.

Do you agree that we should continue having more conversation with you on the Far North Act?

Chief Harvey Yesno: If this government would open—our position has never changed: We want to manage and operate our own land use plans. That's not the case under the Far North Act. So if you want to make a change, then we're talking about equal partnership here. We want to manage our own plans—not MNRF, or some division at MNRF. So if you want to make a change, yes, we're on board with that change.

I'll give you an example. I'm at the draft plan stage right now. If I approve that draft plan stage, MNRF and the people there will take over. They'll do the public process. I will not have an opportunity to tweak my own plan. We've gathered the information ourselves. That's why I don't want to go to the next stage.

If you want to make a change, then let's make a change that will make us true partners. We're not interested in creating a parkland up north. We're interested in the economy ourselves. We want to be able to lift the economy of our people. We need something like that. Right now, that's the change the government could make to the Far North Act: Change how it's going to be managed. Once they're done, who is going to manage and maintain these land use plans?

Mr. Dave Smith: Just for clarification, though, we are not making any changes right now in this bill to the Far North Act and we're not making any changes to the Far North Act because we are still consulting with you on it before we introduce any changes. Is that not the process that you want us to go through? Do you not want us to continue with the consultation on that, or would you like to see something brought forward at this point? I suspect that your request is that we continue having conversations with you, so that we completely understand what it is you're asking for and how we can make it most effective for you.

Chief Harvey Yesno: Well, one thing that the Far North Act did, and that's why I'm making reference here—

Mr. Dave Smith: I hate to interrupt you on it, but what I keep coming back to is this: The Far North Act is not open as part of Bill 132. We recognize that we need to continue having conversations with you about it. Having the conversation during this committee meeting, though, we can't, or we shouldn't, because it's an ongoing conversation that we're having with you prior to introducing any bill.

The Far North Act is not part of Bill 132. My ask then is, should we continue having that ongoing dialogue with you on the Far North Act outside of this? Because the Far North Act is not part of Bill 132.

Chief Harvey Yesno: Well, I can't speak for all the First Nations that are participating in the land use planning, but we would certainly participate on that because that letter I got from the director excludes any discussion around jurisdiction. That's the point I'm trying to make here. If that comes up, you want to refocus and tweak it. We don't even know the changes there.

The Acting Chair (Mr. Lorne Coe): Thank you, Chief. The presentation is concluded. Thank you very much for taking the time to be with us this afternoon. We need to move on to our next presentation. Thank you.

ONTARIO CHAMBER OF COMMERCE

The Acting Chair (Mr. Lorne Coe): I'd like to call up, please, the Ontario Chamber of Commerce. Good afternoon and welcome. For the record, for Hansard, if you could please identify yourself and your colleague. You'll have 10 minutes to make your presentation, followed by questions.

When you're ready, please. Thank you.

Ms. Michelle Eaton: Sure. My name is Michelle—

The Acting Chair (Mr. Lorne Coe): MPP Smith, we need you back at the table, please. We're starting the next presentation. Thank you.

Thank you very much. Go ahead.

Ms. Michelle Eaton: Thank you. My name is Michelle Eaton and I'm the vice president of public affairs at the Ontario Chamber of Commerce. I'm joined today by my colleague Claudia Dessanti, who is from our policy team. We're pleased to have the opportunity to present to you about Bill 132.

I want to first thank the standing committee for providing us with the opportunity to share our position this morning. For those of you unfamiliar with the OCC—I see basically all familiar faces around this table—we are the independent, non-partisan voice of business in Ontario. We represent 60,000 members in over 135 communities across the province. We're pleased to be here today to speak on behalf of all of them.

In our 2018 business confidence survey, over 60% of our members agreed that their ability to navigate regulations is critical to their competitiveness. The OCC and its members understand the importance of preserving high

standards to protect our people and our environment. We also recognize Ontario is the most heavily administered province in Canada, and that the complexity of our regulatory regime adds unnecessary inefficiencies that limit our competitiveness and economic prosperity.

Simply put, the current regulatory environment in Ontario continues to hamper Ontario's economic growth. Our message today is clear: As our economy continues to evolve, so too must the regulatory environment. A modern regulatory regime that is flexible, simple and easy to use will help Ontario continue to be an attractive place for businesses to invest, grow, innovate and create high-quality jobs. That's why the Ontario Chamber of Commerce supports Bill 132. Specifically, we are pleased to find various regulatory improvements recommended by us and our members.

1430

Today, I would highlight some of those key measures that are proposed in Bill 132 and supported by the business community.

First of all, our membership supports expanding alcohol service hours to 24 hours a day in international airports. This is a great example of common-sense regulation for airport retailers, and in our recent report, Refreshing the Sale of Beverage Alcohol in Ontario, we outline the economic potential of this policy.

For passengers travelling across time zones, it doesn't make sense to abide by hours of operation that apply within the province. International hubs like Pearson airport operate on a 24-hour schedule, with 70% of passengers arriving in Toronto from different time zones. As a result, breakfast at Pearson airport may actually be lunch or dinner for many passengers.

The Greater Toronto Airports Authority estimates that 24-hour service would increase beverage alcohol sales by an additional 30%, or $12 million annually, having a positive impact on the province's domestic industry as well as the province through increased tax revenue. For front-line employees at the airport, it also means increased working hours and income. In other words, the benefits are clear: more consumer choice, supporting the competitiveness of Ontario's beverage alcohol industries, and increased revenue for Ontario's airports.

Secondly, our membership supports reducing burdens on drug manufacturers and pharmacies. This was detailed in our red tape submission to government back in December 2018.

Ontario's health and life sciences sectors are key economic drivers for the province, contributing to innovation, high-quality jobs, GDP and standards of living. Protecting their competitiveness should be a priority. We've heard from our members in the health and life science sectors that the reporting requirements they face are outdated; duplicative, with many of the same requirements existing at the federal level; and often require them to fill entire rooms with binders of paperwork. Complying with these unnecessary requirements comes with substantial administrative costs, which leads to higher costs for both businesses and consumers. We're pleased to see the government digitizing and streamlining reporting requirements for this sector.

The Ontario Chamber of Commerce also supports the government in its efforts to streamline approvals in the forestry industry. Ontario's forestry sector contributes $12 billion annually to the provincial GDP and supports 170,000 jobs across the province. With 0.2% of Ontario's crown forests harvested each year, there is room for the sector to grow while remaining a world leader in sustainability.

Given the right policy environment, the sector is positioned to grow as a result of increasing global demand for value-added wood products, such as furniture and construction materials. Reliable access to wood fibre is one of the main barriers this sector faces. The proposed changes would streamline the authorization process for cutting trees on crown land already approved for non-forestry activities like electricity transmission lines and roads to Far North communities. If implemented, this would help to unlock some of the sector's potential.

Finally, reducing regulatory burden on the mining industry is a key priority for the Ontario Chamber Network. Mining is another leading economic advantage for Ontario. Many mining jobs are located in northern Ontario, where the sector is critical to job retention and economic prosperity, but the benefits of a strong mining sector are felt across the province, including our financial sector here in Toronto, where most public mining companies are listed on the stock exchange.

The proposed changes would require the government to acknowledge mine closure plan amendments within 45 days and streamline processes to allow clients to merge mining claims. This would help improve predictability and confidence in our mining sector, which would in turn lead to more capital investment from the private sector.

Last, I would like to note that regulation is often characterized as necessary to reduce risk, and a tendency to be risk-adverse means that governments and the public can be reluctant to cut red tape. What is often overlooked is the inherent risk in accepting the status quo of excessive and sometimes ineffective regulation, stifling economic prosperity and preventing businesses from investing. That is precisely why we support the government for holding on to its commitment to cut unproductive red tape with the proposed changes in Bill 132. All in all, a thriving private sector is the most important source of employment, greater living standards and well-being for all Ontarians across the province, yet the current regulatory regime continues to stifle investment and disincentivize economic growth in our province. So for the benefit of businesses and residents in communities in all corners of the province, we support the changes that are proposed in this bill. This message is echoed by chambers of commerce and boards of trade across the province.

We look forward to continuing to work with the government to support sound policies that drive economic growth and contribute to a stronger province for us all. Thank you for your consideration, and I look forward to your questions.

The Acting Chair (Mr. Lorne Coe): Thank you.

We'll go to MPP Schreiner, please.

Mr. Mike Schreiner: Michelle, it's good to see you again.

Ms. Michelle Eaton: It's great to see you.

Mr. Mike Schreiner: Thanks for being here today. I think a lot of—well, I can't speak for anyone else, but I support regulatory reduction for things like alcohol sales at the airport. One of the concerns I have, though, is that to have a strong business investment climate, we need to make sure we protect things like water. There have been a lot of concerns raised by a number of witnesses worried about schedules in this legislation that could threaten our water. I'm just wondering, do you think those types of protections in general—you don't need to be specific, just in general—are red tape?

Ms. Michelle Eaton: Are you referring specifically to the environmental penalties that are in this bill?

Mr. Mike Schreiner: There have been concerns raised around schedules 9 and 16 in particular. I'm wondering how important you think protecting things like water is to encouraging business investment in the province.

Ms. Michelle Eaton: So let me be clear—and we've talked about this before too, that there's an economic benefit to being strong environmental stewards. Many of our members are strong stewards of the environment, and it's very important to their bottom line as a business. The majority of businesses in this province support strong practices around the environment and the use of monetary penalties when it comes to deterring and penalizing environmentally harmful practices. The structure around those penalties should be based on data and evidence, so we were pleased to see that the government was looking at different ways to structure some of their penalties around encouraging certain behaviours for companies when it came to the environment. But, of course, I think when it comes to how we perceive—because as I mentioned in my remarks—

The Acting Chair (Mr. Lorne Coe): Thank you for your response. At this point, we're going to move our questions now to the government. MPP Skelly, please.

Ms. Donna Skelly: Thank you, Ms. Eaton and Ms. Dessanti, for your presentations.

I wanted to begin—I'm so glad that you addressed this—by speaking about one of the changes in this piece of legislation, which is refreshing the sale of beverage alcohol and extending alcohol service 24 hours a day. Consistently, our opponents have attacked this particular change to the legislation, suggesting that it was unnecessary, trivializing this. Yet you actually mentioned it. Perhaps you could share with me, with people who are listening and, more importantly, with members of the opposition why you believe that this isn't trivial.

Ms. Michelle Eaton: We released a report called Refreshing the Sale of Beverage Alcohol that champions the opportunity for the beverage alcohol industry in Ontario. It had a lot of different recommendations over things like alcohol sales in the airports and having that available where it can be a job creator and it can create more opportunities for people to work and more opportunities for our tourism industry, which is a huge contributor to our economy. If you look at something through a single lens, you won't be able to see all the potential rewards that you can receive from an industry. The report was very comprehensive—one of our policy analysts, Catrina, worked on it—and it went into a lot of the health safeguards that we also have to consider when looking at that industry. Most certainly, it was a terrific report. I hope everyone in this room has a chance to read it, if they get a chance.

1440

Ms. Donna Skelly: You specifically, in today's presentation, talk about the time zones. When people are going through Pearson International Airport, which is a very busy airport, they're coming from around the world. Many of them are business people. It may seem rather odd for us to be having a drink at 8 or 9 in the morning, but perhaps not for some of these international travellers.

Ms. Michelle Eaton: There are other airports in the world that have alcohol sales available 24 hours a day. There are people who are flying from Paris or Argentina who, when they land here, might want to have their evening cocktail or have a business meeting or whatnot. It's something that you see in other jurisdictions. So we're not a lone wolf. We're just catching up to the 21st century when it comes to that specific policy.

Ms. Donna Skelly: In other words, modernizing.

Ms. Michelle Eaton: Correct.

Ms. Donna Skelly: One of the priorities of our government is to create an environment that is business-friendly, to remove some of the unnecessary burdens that businesses right across the province face. We believe that one of the best things we can give today's youth and our future generations is the opportunity to find a job in the industry of their choice. One of the ways, in our opinion, of accomplishing that is to tackle these insurmountable layers of red tape.

Can you speak to how all these duplicative pieces of red tape prohibit business from growing and providing those opportunities to youth?

Ms. Michelle Eaton: In our annual business confidence survey, over half of our members stated that being able to overcome red tape and regulatory burdens is critical to their business competitiveness. We definitely want to create a regulatory environment where businesses can succeed and we can have a path that's clear for youth as they're developing new skills or trying to enter the labour market. It's a very popular topic among the chamber network.

Inertia sometimes is a result of people's fear of change. You can create unintended consequences with regulatory change, too, so it can be nerve-racking for a government. But then you can also monitor those changes and see how effective they are. Sometimes you don't know what you don't know until you try it.

Certainly, reducing the regulatory burden for Ontario businesses will create a more prosperous Ontario.

Ms. Donna Skelly: Again, it's a culmination of all of these different—there are 80 in this bill—regulations that

act as a barrier to economic growth for small business. Small business is the backbone of Ontario's economy, so anything that we can do to help small business is something that we really believe strongly in.

I'll articulate another comment that we've heard many times from opponents on the other side of this table, and that is one of the references to allowing dogs on patios. It may seem insignificant, but it was just another glaring example of an unnecessary restriction that we wanted to tackle.

Ms. Michelle Eaton: At the Ontario Chamber of Commerce, the majority of our members are small business owners, so helping them with any kind of scale-up challenge is a priority area for us. Especially for our chamber members from Tillsonburg to Thunder Bay, we want to make sure that we're removing barriers, because they don't have large staff. Sometimes it's one or two people in an office who are just trying to figure out how to function in their business, so they need all the help they can get in making it easy and quick and something that they accomplish with light hands. These are folks who are sometimes working two jobs.

Ms. Donna Skelly: Mr. Chair, I believe MPP Harris is interested.

The Acting Chair (Mr. Lorne Coe): MPP Harris.

Mr. Mike Harris: We don't have a lot of time left, but I just wanted to quickly touch on the cumulative effect of what the—I believe there are 82 pieces of legislation in this particular bill. The opposition likes to pull out a couple of things that they feel strongly about or that they think that they can get some traction on. But when we're looking at the cumulative effect of this, what does it really mean to your members and to the economy of Ontario?

Ms. Michelle Eaton: If I can segue for a second, I went to a small town and chatted with a group of folks in a similar room, and we were just talking about the changes in a couple of bills. It was making their lives easier day to day. If you look at all of our members, when you reduce regulatory burden in different areas, the net benefit can be incredible for them.

My recommendation for this committee would be to continue to look at nuanced ways, and continue to find efficiencies within our systems. It's shocking how much duplication there is between federal and provincial policies or municipal policies. Finding more nuanced ways of looking at policies, to make them more efficient, is something that you guys should keep on working on as a group.

Mr. Mike Harris: Thank you.

The Acting Chair (Mr. Lorne Coe): Further questions? To the official opposition, please: MPP Fife.

Ms. Catherine Fife: Thank you to the chamber for coming in and for weighing in on Bill 132.

It's interesting to hear how the government sees us. I referenced the 24-hour-a-day drinking in airports, and I referenced it from the fact that—no citizen in Waterloo region has ever lobbied me to be able to drink in an airport for 24 hours a day. So it really is about priorities.

I know the chamber has weighed in on the liberalization of alcohol, if you will. But it is rare that in the last budget, beer was mentioned 38 times, at the same time that this government was contemplating ripping up beer contracts at a cost of $100 million. There is a disconnect between talking about reducing red tape in order to inspire business and to strengthen the economy, and then putting into practice elements that actually would undermine confidence in the economy.

No business is going to invest in a province where you have a provincial government that rips up contracts, like wind farm contracts or Beer Store contracts. I just don't think that instills confidence in our economy.

Certainly, nobody has any problems with dogs on patios, except for the people, of course, who are allergic to dogs.

I just want to go back to the mining piece, please, Ms. Eaton. The chamber traditionally has not weighed in—and please correct me if I'm wrong—on Indigenous relations with regard to the economy, even though you have a number of northern municipalities who are very active with the chamber, and I think that that's fantastic.

We just had three chiefs from various areas, and I know that you were in the room and you heard some of this conversation. When they look at a piece of legislation like Bill 132—it's an omnibus piece of legislation. Several delegates have already called it "ominous," but I don't think it was intentional. The Chiefs of Ontario and the chiefs who were here before us today were trying to make an economic case—a strategy, if you will—to include them in the consultation around mining in the province of Ontario.

The chief actually said that consulting, including and partnering with Indigenous communities at the table, while developing mining and job employment opportunities, will inspire confidence. Do you agree with that statement?

Ms. Michelle Eaton: That consulting with Indigenous communities will inspire confidence?

Ms. Catherine Fife: Yes. Right now, of course, when companies are looking at the province of Ontario, they see that Indigenous communities are in court with the government, instead of them having a respectful partnership with Indigenous communities as they develop mines in Ontario.

Ms. Michelle Eaton: We have chambers in the north of Ontario. Mining is certainly a huge economic driver for our northern communities. We work closely with Indigenous partners when it comes to—a number of our members do a lot of work with Indigenous groups for skills development and for consulting, when it comes to environmental practices or how they can grow stronger communities. Having those partnerships is very important for us and for our members.

Ms. Catherine Fife: Yes. The NAN chiefs put out a statement, and they said that they will ask the provincial government to end the disrespectful legislative practice of burying issues important to First Nations in omnibus legislation completely unrelated to First Nation matters.

Really, the problem with a piece of legislation like Bill 132 is that there are some good components of it, but then it has schedules 9 and 16, which we would argue would be

bad for the economy of the province of Ontario, because of the potential to pollute and to disrupt the ecosystems.

1450

Obviously, you have opinions on certain components of Bill 132, but do you look holistically? Has the chamber evaluated that the risk to water, source water protection and lessening polluter fines is worth the regulatory changes that are contained within this bill?

Ms. Michelle Eaton: The environment is very important to our members. As I was saying earlier to Mike, there is economic argument to protecting our environment. I would say that our members are strong stewards of the environment and are dedicated to making sure that they do not cause inadvertent harm to our environment with their business practices because, at the end of the day, that will affect their bottom line and their image as a company. So I would say that our members are supportive of any legislation that incentivizes behaviour through fees that prevent environmental harm.

Ms. Catherine Fife: I'm so happy you said that, because that's not this bill. We agree with the chamber that incentivizing environmental leadership through partnering in and around innovation to reduce greenhouse gases is the best way to create good jobs, strengthen the economy. I think we agree on that.

On the issue of mining specifically, because the chamber has brought it up, you make a case for predictability and confidence in our mining sector. The way that the government is proposing to consult with First Nations actually undermines that confidence, because they have no choice but to use the court system, and when Indigenous communities and the government go to court, no mines are developed, no jobs are created.

I just want to leave that with you. I think it's worth considering the role that Indigenous partners play in our economy. They want to be part of the solution, as well.

I know my colleague has a comment.

The Acting Chair (Mr. Lorne Coe): MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Thank you for coming.

I'm quite interested in the third point in your presentation. It's about updating the Crown Forest Sustainability Act to making changes around the permits for non-forestry-related removals of trees. While we were in London and Peterborough, we heard about removal of trees on crown lands. Right now, most of the ridings and the municipalities across Ontario are declaring a climate emergency. Some would ask you, representing your members, how would they react to know that there's nothing in this bill that says that after they clear-cut it for, let's say, hydro lands or hydro lines or roadways—there's nothing in this to replace these treelines? We're ruining our forestry. I'm just wondering how you would react to that.

Ms. Claudia Dessanti: I would mostly defer to the Ontario Forest Industries Association on this.

It's our understanding that Ontario's forestry sector is highly sustainable and that we only forest—I'm sorry; I'm not a technical expert on forestry—0.2% of crown lands. When you look at a country like Finland, they have a very sustainable approach as well, but they take much more of their forest. They use a lot more of their wood fibres because they have easier access. It's still a replenished industry and is still a replenished resource, and they still do it in a way that's sustainable.

I think that there's a way to balance environmental stewardship and caring for our forestry with access to wood fibres. There are a lot of timber buildings and a lot of interesting things you can do with that wood fibre that's good for the economy and good for the environment.

Mrs. Jennifer (Jennie) Stevens: I understand that the wood fibre is good for furniture-making and for the economy that way. However, I still feel that even though you stated that it's only 0.2% now, we're looking after, seven decades from now. So if we continued not to replant or replenish—we should really be looking at what this government is saying about the requirements to replant these trees. So I'd just like you to bring that back and look at it that way, because it is very important that if we remove a tree, we should be planting five more.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation.

ECOJUSTICE CANADA

The Acting Chair (Mr. Lorne Coe): We'll call up the next presenter, please: Ecojustice Canada. Good afternoon, sir.

Mr. Ian Miron: Good afternoon, Mr. Chair.

The Acting Chair (Mr. Lorne Coe): How are you?

Mr. Ian Miron: Good, thank you.

The Acting Chair (Mr. Lorne Coe): Welcome. You'll have 10 minutes for your presentation. For Hansard, please introduce yourself., and you'll have 10 minutes. Go ahead.

Mr. Ian Miron: My name is Ian Miron, with Ecojustice Canada.

Thank you very much, Mr. Chair, and thank you to all of the members for having me here today. I appreciate the opportunity to present to you.

I'm a lawyer with Ecojustice, which is a national environmental law charity. In Ontario, we have offices in Toronto and Ottawa. Our lawyers help community groups, environmental groups, Indigenous communities and individual Ontarians use the law to defend nature, combat climate change and fight for a healthy environment for all.

In my presentation today, I will focus mainly on changes to the administrative monetary penalties—which I will call AMPs, to save time—under five environmental laws. Those changes are set out in schedule 9 of Bill 132.

Although Ecojustice has not had time to review all of the changes proposed by Bill 132, we have also made some recommendations on proposed changes to pesticides laws, also in schedule 9, and motor vehicle emission rules, in schedule 17.

I do want to note, as well, with respect to the proposed repeal of section 34 of the Occupational Health and Safety Act in schedule 14, that the federal government does not consider occupational exposure when it assesses chemical

toxicity under the Canadian Environmental Protection Act, so we are concerned that repealing that section will leave a big gap that exposes workers to risk.

Turning back to AMPs, they are, of course, important environmental compliance tools, and they're widely used across North America. When designed and used properly, they can provide regulators with useful complementary tools that are simple, fast and cheap, to bolster enforcement, capacity and overall compliance. Done right, AMPs can encourage facilities to take swift action to abate pollution, to come into compliance with the law, and to prevent non-compliance from recurring, and they can level the playing field between good operators and bad ones.

The stated goal of the AMP changes in Bill 132 is to strengthen and expand environmental AMPs. Ecojustice strongly supports that goal. Unfortunately, however, the actual changes that Bill 132 introduces will not, on the whole, accomplish that goal.

I want to be clear that there are some good changes in here—for example, requiring annual reporting for all AMPs, and clarifying that monetary benefit can be added on top of a maximum penalty amount. Ecojustice supports those changes, although we would like to see more information required in annual reports, and perhaps even real-time reporting, as some federal departments do.

But many of the changes will not have any practical effect at this time. They simply give cabinet the power to make later changes through regulation.

We haven't seen those regulations yet. We've been told that the ministry will be developing them this fall and winter, and that we will be consulted. We look forward to that consultation, but until we see those regulations, we can't say whether these enabling changes will expand, maintain or even narrow existing powers.

I want to spend the rest of my time today talking about several changes that we are most concerned about. We're concerned because these changes will actively undermine existing tools and decrease accountability for polluters, contrary to the government's stated goal.

(1) Our first concern is that Bill 132 will make it easier to appeal administrative monetary penalties. Right now, it's difficult to do that, under the Environmental Protection Act and the Ontario Water Resources Act. A polluter has to prove that they didn't commit the contravention, to overturn the penalty. That high bar greatly enhances certainty, it enhances accountability and it enhances the overall effectiveness of the penalties regime. It gives the ministry a tool to ensure compliance while minimizing the risk of delay in expensive and uncertain formal court proceedings.

Bill 132 is going to move the onus back onto the ministry, and that is going to incentivize appeals, which will decrease certainty and predictability for all stakeholders. Making it easier to appeal AMPs may well neutralize the time and cost benefits that they're supposed to provide.

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(2) Bill 132 will eliminate the ministry's power to charge the maximum penalty for each day of continuing or multi-day incidents. That change could well lower the penalties that serious polluters must pay, even if the maximum penalty amount is eventually raised. That will undermine the polluter-pays principle and weaken accountability and deterrence. I will note that per-day penalties are widely available in other AMP regimes across Canada, so eliminating them moves Ontario out of step with best practices.

(3) Bill 132 will narrow the ministry's existing ability to penalize pollution that may cause an adverse effect under the Environmental Protection Act. Bill 132 will make it harder to issue AMPs for this type of pollution, by raising the threshold from "may cause" to "likely to cause." This will undermine the precautionary principle that is supposed to underpin our environmental legislation in Ontario, and it will also bring Ontario out of line with most other Canadian jurisdictions, which prohibit pollution that may cause harm.

(4) Bill 132 will allow cabinet to limit the ministry's ability to prosecute polluters for an offence if the polluter pays an AMP. Right now, the ministry can prosecute a polluter, even if they pay an AMP, under the Environmental Protection Act and Water Resources Act. That's important because it ensures that the ministry has a full suite of compliance tools available to it. So if it comes to light down the road that a spill was worse than initially thought, it makes sense that the ministry could still prosecute the polluter. It also makes sense to give the ministry a tool to immediately deter non-compliance in a relatively timely and relatively certain way, even if the incident is serious enough to warrant a prosecution down the line. There are rules in place to ensure that this is fair to polluters; for instance, if they do get prosecuted and convicted, the sentencing judge must consider any AMP that has been paid in deciding the appropriate sentence.

Finally, Bill 132 will eliminate a mandatory five-year program review. Right now, the ministry has to review its AMP programs every five years. It must, in doing so, specifically consider how they impact prosecutions and what types of contraventions should be subject to AMPs. This mandatory, ongoing review ensures that the program continues to drive compliance and to operate effectively. Eliminating it will undermine transparency and accountability, and risks undermining the effectiveness of the overall AMP framework. I'll note that the Auditor General of Ontario has recommended that the ministry continue to monitor its AMP program on an ongoing basis, and there's no reason to eliminate the statutory requirement to do so.

In conclusion, Ecojustice strongly supports Bill 132's stated purpose of expanding AMPs to increase compliance and hold polluters accountable. However, as drafted, we believe that Bill 132 suffers from serious flaws. It will change existing laws in ways that actively undermine its goal. To ensure that it can accomplish its goals, Bill 132 must be amended to correct those flaws. I have circulated a document setting out Ecojustice's recommendations for how to do that, and I urge this committee to adopt those recommendations and amend the bill accordingly.

Thank you. I look forward to your questions.

The Acting Chair (Mr. Lorne Coe): Thank you very much. This round of questions will start with the government. MPP Khanjin.

Ms. Andrea Khanjin: Thank you for appearing before us today. Thank you for your opening remarks, and by recognizing some of the positives that are in this bill and recognizing that this is adding tools to the toolbox when it comes to environmental protections and violations.

As you're well aware, before, we didn't have in the Ministry of the Environment the ability to charge violators for things like illegally discharging sewage water into our waterways. We weren't able to charge violators who basically violated the terms to take water. As you're aware, the ministry expanded the moratorium on permits to take water. The crux of the matter is that for violators who did violate the terms for permits to take water, there were no violations on that before. So these are now extra teeth that we can put into the process.

Also, operating a drinking water system without a proper, certified operator: I would say, if someone violated this, it is pretty egregious. So in addition to your point about spills and if the spill is egregious enough, we can actually now charge extra, in addition to the daily fines. It allows us to, obviously, go after bigger fines using this tool in the tool box so that violators are paying the full extent of their violation by increasing the cost to the environment. Now we can use these fees.

One of the supporters that we had, when we did the announcement through the Toronto conservation authority, was—they like to see this because it reminded them of another fund that they use when it comes to conservation projects to help them restore things like shorelines. Now when the violators pay, we're able to use this fee all across our province to help the environment, including the place where the spill took place.

I do thank you for your opening remarks. As you know as a lawmaker, like we do as parliamentarians, there are multiple steps in laws when it comes to the parliamentary process. You know that right now we're taking about the legislative vehicle, and then there's the regulatory vehicle. I look forward to our additional consultations when it comes to regulatory drafting, as is often done, and for your input on that.

But I'll pass it on to the other individuals in this room for their comments. Thank you.

The Acting Chair (Mr. Lorne Coe): No further questions? No? Opposition: MPP Fife.

Ms. Catherine Fife: Thank you very much for coming in. I have to say, your presentation was incredibly succinct and actually sums up nicely the majority of voices that we've heard through Peterborough and London and even today.

We've heard a lot about the tool box, though: the tool box that this legislation gives to the government so that they can address environmental violators more easily. Do you think that this tool box has effective tools in it? Can you speak to the measures that governments actually need to ensure that it's not easy to pollute in the province of Ontario?

Mr. Ian Miron: Certainly. There are a number of tools, obviously, in the government's compliance and enforcement tool box. Those range from very voluntary measures to prosecutions, on the extreme end, which, if successful, result in a conviction and the stigma of being convicted as an environmental offender, as well as significant fines.

AMPs fit within that tool box as a complementary tool. They're not the only tool, nor should they be the only tool. The ministry already has the power to issue monetary penalties under the Environmental Protection Act and under the Ontario Water Resources Act. Those are well-established regulatory regimes, and frankly, they could be expanded without legislative change. They could be expanded simply by changing the regulations that already exist.

Ms. Catherine Fife: So if the government wanted to be stronger in this field and hold violators to account, even charge them more, they wouldn't need to go through this process because they just would have to change the regulations.

How do you even rationalize the fact that they're going to eliminate the proposed cabinet powers to limit the minister's ability to prosecute a polluter for an offence if the polluter pays an AMP? That's one of your recommendations.

Mr. Ian Miron: Yes, so right now under the Environmental Protection Act and Ontario Water Resources Act, the ministry can choose to prosecute a polluter even if it has already paid a penalty. There's a double-jeopardy regime, so to speak. In a bill that is supposed to be about strengthening enforcement tools and holding polluters accountable, it seems a bit unusual to restrict the ministry's tools in that way, or introduce the possibility that it could be restricted in that way. Ecojustice certainly supports giving the regulator the broadest possible tools to hold polluters accountable.

Ms. Catherine Fife: Thank you. I think you just answered my original tool-box question, as well.

The Acting Chair (Mr. Lorne Coe): MPP Arthur, please. Thank you.

Mr. Ian Arthur: Thank you so much for your presentation. I actually just want to pick up on that a little bit to make sure we have it in as clear terms as possible on the record. One of the things the government keeps saying is, don't we support the ability to go after these companies with legal action in place of fines? Are you saying that cabinet now can limit the ability of the ministry to pursue those legal fines?

Mr. Ian Miron: I just want to be clear we're all talking about the same thing. Fines are the result of a criminal prosecution, and penalties are what we're talking about in Bill 132—

Mr. Ian Arthur: Okay, so yes, limit the ability—the polluter pays an AMP.

Mr. Ian Miron: Yes, Bill 132 is going to introduce into two of the statutes a cabinet power to limit the ministry's ability to prosecute.

Mr. Ian Arthur: So this claim of justifying the lowering of the fines because we have expanded the

amount of entities that we can pursue court cases against—that could be negated by the minister at any time.

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Mr. Ian Miron: Yes, there is a regulatory power in Bill 132 that contemplates that.

Mr. Ian Arthur: You talked a little bit about the use of AMPs, if they're designed well—they're used across multiple jurisdictions in North America, I think you said—and the goals versus the reality of this piece of legislation.

I want to talk a little bit about the reverse onus clause in it. It was simple: It required the company or the entity that does the spill to carry the brunt of the costs associated with appealing a decision, rather than the government. Once that reverse onus is removed, and it will fall on the ministry and the government to decide whether to proceed with these items, do you think that they have the resources to be able to do that effectively? It's a continuation of the tool box question.

Mr. Ian Miron: Well, that's obviously the concern. I think that change will make the penalties look much more like a prosecution, in terms of time and effort. Certainly, I think it will incentivize appealing, just to test the waters.

With that comes the creation of an un-level playing field. If you're a polluter with a lot of money, you can afford to hire the lawyers to test that out, whereas if you're not so well-to-do, then you may not be able to really effectively exercise appeal rights.

Mr. Ian Arthur: Okay. Thank you for that.

Moving on to your fifth point here, "Maintain the ministry's current ability to issue an AMP for EPA section 14," how hard is it to establish "likely" to cause an adverse effect versus "may" cause an adverse effect?

Mr. Ian Miron: Sorry, this is about the threshold question?

Mr. Ian Arthur: Yes, sorry: "contraventions where a discharge may cause an adverse effect, instead of narrowing that power to circumstances where the adverse effect is likely." How difficult would it be to actually establish, to a point of certainty where you could enforce that, that the adverse effect is "likely" rather than "may" occur?

Mr. Ian Miron: It's certainly more difficult under the "likely" standard than it is under the "may" standard. That's why all of these other jurisdictions across Canada use the "may" standard—to ensure that their prosecutors have a fair chance to enforce the laws.

Mr. Ian Arthur: So we would be the only jurisdiction in Canada that would switch to a "likely"?

Mr. Ian Miron: I can't say that with certainty. But certainly, many other jurisdictions—Saskatchewan, Nova Scotia, Newfoundland—across the country all use that language. It's pretty standard.

Mr. Ian Arthur: So in comparison to many other provinces, we're actually reducing the regulatory regime, not to bring ourselves in line with those provinces but to actually weaken it in comparison to them.

Mr. Ian Miron: That is the concern.

Mr. Ian Arthur: Would you just take a minute and talk about—schedule 17 hasn't actually come up that much, the Highway Traffic Act. You have a recommendation in here, but you didn't really discuss it that much in your presentation. Would you just touch briefly on that?

Mr. Ian Miron: Sure. We haven't had a chance to look at the proposed changes in full there, but in essence, schedule 17 will take what are currently motor vehicle emissions standards requirements out of the Environmental Protection Act and put them into the Highway Traffic Act. The intent of that recommendation is to ensure that regulations made under those powers would still attract consultation obligations under the Environment Bill of Rights, as they currently do, just to preserve existing participation rights.

Mr. Ian Arthur: That's everything I have.

The Chair (Mr. Lorne Coe): MPP Fife? Thank you.

Ms. Catherine Fife: Thank you. You made some comments around having funds and having the wherewithal financially to advocate from a citizen's perspective. Can you comment on the fact that the government has repealed the Local Planning Appeal Support Centres? That was a vehicle that citizens obviously were using to try to navigate these complex appeal processes, and it didn't really get a chance to be successful. What does that say to you, from Ecojustice's perspective?

Mr. Ian Miron: I do have to apologize, but this is one of the changes that we haven't had time to look at. There were quite a few changes to environmental laws proposed in this legislation, and we just haven't had the time to look at them all, so I can't speak to that.

Ms. Catherine Fife: That's okay. I think it speaks to how quickly this bill was rolled out. Even my ministry briefing on this bill was fairly chaotic, because (1) it's such a large bill, and (2) the fallout from it will be quite significant. But if you do get a chance, we would love to hear from you. I think feedback comes until this Friday.

I don't know if Ecojustice has had a chance to also look at schedule 16, which is of great concern, around the Aggregate Resources Act, which undermines local municipalities around source water protection when they go into aggregate pits. Thank you very much for your presentation today.

Mr. Ian Miron: Thank you.

The Acting Chair (Mr. Lorne Coe): Further questions from the official opposition?

Ms. Catherine Fife: No.

The Acting Chair (Mr. Lorne Coe): We'll move, then, to MPP Schreiner, please.

Mr. Mike Schreiner: Thanks for being here today; I appreciate it. Many witnesses have talked about the changes away from per diem penalties, so I want to note that you've done that as well. But in my limited time, if you could just expand on MPP Arthur's question around "may" to "likely" in section 14, and what the real-world implications of even a single wording change like that can be.

Mr. Ian Miron: Sure. I think it's important to note that if you go back to 2005, when this penalties regime was first introduced, industry lobbied very, very hard to get this "may" language taken out. They were unsuccessful at the

time, and now we see it coming back again in a bill that is supposed to be about polluter accountability. I just did want to provide that context.

In terms of what it means, now the standard on the ministry is going to be, "Does this likely cause an adverse effect?", and that's going to involve all sorts of expert scientific evidence. It's going to really increase the burden on enforcing these penalties, which are meant to be quick and easy and cheap ways to drive compliance relative to a prosecution. Right now, prosecutions are subject to a "likely" standard, so you're going to put the penalties on the same playing field as prosecutions. So you're really eroding the potential benefits in terms of saving time and saving money while still driving compliance.

Mr. Mike Schreiner: So it could actually undermine some of the stated intentions of other changes to the AMP regime?

Mr. Ian Miron: That is our concern, particularly in conjunction with some of these other changes that I've discussed.

Mr. Mike Schreiner: I'm probably out of time, but just quickly: Why do you and the Auditor General both believe there should be a mandatory five-year review?

Mr. Ian Miron: I think it's an important way to make sure that the program is doing what it's supposed to do, that it's not adversely affecting other enforcement—

The Acting Chair (Mr. Lorne Coe): Excuse me. The presentation has concluded. Thank you very much.

COLLEGES ONTARIO

The Acting Chair (Mr. Lorne Coe): I'd like to call up, please, our next presenter: Colleges Ontario. Welcome to the standing committee. For Hansard, if you could please introduce yourself, and then you'll have 10 minutes for your presentation, followed by questions. You can start when you're ready, please.

Ms. Linda Franklin: Terrific. Thank you, Mr. Chair. I'm Linda Franklin, and I am the president and CEO of Colleges Ontario, the advocacy association for the 24 public colleges.

Mr. Chair, committee members, thank you very much for allowing me to appear before you today. On behalf of our colleges, I'm pleased to share our perspectives on Bill 132 and our collective efforts to reduce red tape.

Let me start by saying that we appreciate the government's collaborative efforts to enhance the colleges' ability to provide employers with a more highly skilled workforce, and we've had productive discussions with members of all parties on this. We know that we're all concerned about the needs of our economy and the skills agenda. What sets Ontario's colleges apart and gives us, I think, a real handle on this is that we're mandated by legislation to be career-oriented, community-focused and to support retraining, so we play a pivotal role in equipping people with the professional and technical expertise they need to lead them to rewarding careers and strengthen the economy.

We support the proposed changes in the bill to streamline program approvals. This legislation contains two important changes for us: It updates the colleges' consent process for degrees and it streamlines the funding approval process for post-secondary institutions. These changes will actually significantly reduce red tape for our colleges and help us get important new programs out to market that respond to employers' immediate needs quickly and effectively.

This has been a long-standing issue, actually, for colleges in the province. For years, the approval process for new college programs has been cumbersome at best. This has been particularly true for new career-focused degree programs at colleges. We provided a submission on red tape this past summer that stressed the need for more streamlining, simplified and effective approvals, and to ensure that our graduates have the right credentials and the expertise to operate in the new economy, but also that they can get to market quickly when employers need them.

Currently, it can take two years, or sometimes longer, to get approvals for programs, particularly in the degree space. This is from the time a college submits a proposal to government for a new program; it doesn't include the time spent by the college reviewing labour market information, working with local employers and submitting a report to government that's often a couple of inches thick with the rationale for why this makes sense.

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Imagine this scenario: A local employer is approached by a company that needs graduates with a specific and often new skill set. Not surprisingly, the business wants to move quickly because the economy around these new ideas is moving quickly, and the students who graduate can come into the business quickly and add immediate value. The college looks at this with the employer and develops the program. The employer is eager to get these new skilled personnel into the system as soon as possible.

The college takes the program request to the ministry, and two years later, it's still sitting on the ministry's desk. College staff regularly probe the ministry asking for updates and trying to get the program finalized, and the employer, of course, is putting tremendous pressure on the college for updates on when they can imagine new graduates starting in the workforce.

The impact is that graduates aren't always available when employers really need them. When you multiply that effect over many requests from many employers for graduates with new skill sets, this can slow down economic innovation and growth right across the province. As you can imagine, this is a significant barrier for the college system and for our employers, so we're pleased the government heard our concerns and is responding.

Our understanding is that under the new program process, the following steps will be followed when a submission is made to the province:

A ministry director will refer a submission to PEQAB within two days. This was often a process of several months in the past.

PEQAB will conduct its review over three to five months, and at the same time, the ministry will conduct its own review in parallel, only based on how the submission

aligns with the government's interests, because in the past, the ministry looked at a whole lot of things, many of which were actually outside of their areas of expertise.

Once reviewed, the submission will go to the minister for final approval, without requiring an additional second review by the ministry.

We're told that the entire approval process will be reduced by about 75%: to six months, from the current two years.

It's also our understanding the ministry will speed up funding and tuition approvals for new programs while standardizing the submission form so that we're not back and forth and back and forth trying to figure out what we've missed in an application or what the ministry needs.

With this approach, the colleges and our employers will know what they can expect, and employers will have a better line of sight to the program's finalizing, getting into market and getting them the resources they need in terms of trained workforces. And our staff won't have to dedicate unnecessary resources to follow up with government on a process that has often lacked transparency. For our sector, these are pretty encouraging developments.

The other thing we would just say is this : As we start to meet new performance metrics through the strategic mandate agreements, we think it's really appropriate that the ministry sets clear and effective metrics for its own processes. This is just one example of this happening in a way that we think is really helpful.

As we look at opportunities to reduce red tape further, we feel that the next logical step is for the ministry to set performance targets in other key areas, such as section 28 approvals. Similar to the challenges we have getting new programs to market, our colleges often face bureaucratic hurdles obtaining approval for financing for all sorts of activities. In fact, section 28 would actually suggest that if you apply for a new credit card for a member of your senior team, that should get a section 28 approval from the Minister of Finance.

This has the unwanted effect, in some areas, of having private sector partners in areas like capital construction walk away from projects because the colleges can't meet reasonable deadlines to sign contracts. We've seen this happen with building new residences on our campuses.

Another regulatory and red tape barrier that we face is offering programs in places that reflect the authority and expertise that colleges hold. For example, some colleges are interested in offering stand-alone nursing degrees, but are prevented from doing so because of a historical anomaly where nursing became a degreed profession just months before colleges were able to deliver degrees. Before that, colleges delivered almost all of the nursing programs in the province.

Colleges across Ontario have been offering nursing programs and graduating nurses that local communities desperately need. But to offer a registered nursing program—and right now we are short of registered nurses in the province—antiquated regulations require us to partner with a university for final accreditation, even if the college is offering 100% of the program.

In some cases, this means colleges deliver all four years of the program and pay a fee to a partner university, in one case in New Brunswick, to allow them to deliver the degree. In other partnerships—and more concerning, I think—where the university and the college are not co-located, students are transferring to universities well outside of their communities to complete their program. By asking a student to move midway through their studies, we're asking them to find new housing, to sometimes travel in terrible weather, to integrate into a new community where students have been together for two years already. Many of those students, because they get their clinical placements in the new community, never come back to their home community, and so that community loses the nurses it needs to fill their local demand.

Students and our colleges tell us that this disruptive process results in additional costs to students and impacts the ability of smaller communities to retain talent.

We see an opportunity here for the province to amend the current regulations so that there's an opportunity for colleges to offer stand-alone nursing degrees where they're able to do so.

Finally, we see huge opportunities to reduce inefficiency and encourage more young people to pursue the trades by modernizing our apprenticeship system. We continue to call on the government—we've spoken to all the parties about creating a one-window registration system for students who want to apply to become apprentices. Right now, when you map the apprenticeship program out on a piece of paper, it looks a lot like the New York subway system: It's confusing. It's convoluted. The map is full of statements by apprentices like, "I never felt so desperate in my life. I had no idea where to turn." If these were students in any other post-secondary program, no one would put up with it. But for some reason, because it's apprenticeship, we're putting up with it at the very time that we need skilled trades the most.

The Ontario Chamber of Commerce, the Canadian Manufacturers and Exporters, the construction industry and many others have talked about the shortage of skilled trades and their ability to grow more jobs.

The confusing application system for apprenticeship and the fact that apprentices don't feel like part of the post-secondary system and their parents don't see them that way—

The Acting Chair (Mr. Lorne Coe): You have one minute left.

Ms. Linda Franklin: —is a large part of the problem, and we think this problem is relatively easily resolved.

In conclusion, we're encouraged by Bill 132. We are very happy with the opportunity to reduce red tape around our program approvals, and we think there are other things that could be done in addition: changes to section 28; removal of red tape around stand-alone nursing; and modernizing and streamlining the apprenticeship system, starting by using our own application centre to allow apprentices to apply.

Thank you very much. I look forward to your questions.

The Acting Chair (Mr. Lorne Coe): Thank you very much. This round of questions starts with the official opposition. MPP Fife.

Ms. Catherine Fife: Thank you, Linda, for coming in and for educating the committee on this particular change. This is an amendment that we will be supportive of, obviously, but we can't be supportive of this bill as a whole because of schedules 9 and 16. So I want to make sure that you understand that.

Your points around modernizing the apprenticeship field are very relevant right now. We've had conversations over the years about how the education system has to feed into the college system and how well the college system is prepared to really take the lead on this. My own son is apprenticing as an electrician at Conestoga, so I have first-hand experience of that. Please continue your advocacy in that field. You have our support on that, as well. It begins in the public education system. You need the teachers in the classes, in the schools, encouraging at the youngest age possible so that they do feed into the post-secondary education system in a very accessible way.

I really just wanted to thank you for coming in today and to let you know that the streamlining, in particular around the degree consent process, is long overdue. I know you've asked for it for a long time. We're supportive of that. But for various reasons that will be very well articulated, we can't support Bill 132.

The Acting Chair (Mr. Lorne Coe): MPP Schreiner.

Mr. Mike Schreiner: Thank you, Linda. It's good to see you again. Thanks for coming in. I wish the government would spend more time reducing your red tape and less time undermining environmental protections.

I think expediting program approvals is good, and thank you for highlighting that. Do you think there are any limitations in the ministry's capacity to meet those accelerated timelines, given existing resources?

Ms. Linda Franklin: Well, fingers crossed. I do think it's ambitious, given the timeline we originally started with, but the minister was very clear with us that he has an expectation of around six months, and if that isn't being met, to speak to him. We're going to talk to the ministry about actually establishing service standards around this, and hopefully that translates.

1530

I'm hopeful because at the end of the day, what they've done is, they've tried as hard as they can, I think, to limit the time it takes just to refer somebody. Often, we would send it to the ministry and they would take six months before they would hand it off to PEQAB. When we spoke to the ministry, we asked, "How often does that six months end up with you sending it back to the college?" Never. So eliminating that helps, and then running a ministry process in parallel to PEQAB should help as well.

Finally, I think one of the biggest challenges that took the ministry so long is that they're not experts in this area, so trying to figure out how to add value was really difficult. I think they were honestly trying to add value, but there just was no value to add. With any luck, narrowing the scope of their review will help.

Mr. Mike Schreiner: I'm sure my time is limited, so I'd love it if you could put forward detailed recommendations for modernizing the apprenticeship program. I think it's sorely needed.

Ms. Linda Franklin: I'm happy to do so.

Mr. Mike Schreiner: Thank you.

The Acting Chair (Mr. Lorne Coe): We'll now move over to the government and MPP Skelly.

Ms. Donna Skelly: Thank you for your presentation and for your support.

I represent an area in Hamilton and work very closely with Mohawk College, which I'm very proud of. It's a leading institution in post-secondary education and has taken a leading role in partnering with the private sector to provide training in the aerospace industry, in elevator technicians—which is, surprisingly, probably one of the most sought-after positions right now. You just have to walk through Queen's Park, with the number of times our elevators are down—they can't find technicians.

I have travelled across Ontario, speaking to a number of business owners and young people, and we are hearing time and again that there is a shortage of both skilled and unskilled workers. It's going to be a crisis, if we're not already facing it. Hundreds of thousands of jobs are going unfilled because we cannot find workers.

Maybe you can expand a bit about eliminating red tape, on how you can move programs forward—I've seen it at Mohawk; it was one of their biggest complaints—and how that ties in to our need to find these workers.

Ms. Linda Franklin: Yes, Mohawk has done a terrific job around this.

I'm about to move to the 41st floor of a condo tower, so I would really like there to be more elevator technicians before I move in.

My nephew Conner, who I speak about to government a lot, went through welding. In the time he went through his apprenticeship, I had to call and intervene with ministry staff at the ADM level three times because he was lost. He finally figured out he had to go to a ministry official to get permission to be an apprentice, and he had to drag his employer with him, a guy who ran a small business. So that all got sorted out. He went to Mohawk for his first term, but when he went to go back, nobody reminded him—he's not anybody's student; he's a client of the ministry. No one has eyes on them, as though they were students, and no one reminds them about their timelines. So a year and a half later, I had to ask him, "When are you due back?" He said, "I don't know. I guess the college will tell me." Well, no, they won't. He found the ministry person again, only to find out that because he had moved three streets away he was no longer eligible to go back to Mohawk and his ministry rep wasn't his ministry rep anymore. It took another six months to sort that out. His journey looked like that every step of the way. I think it's no wonder why young people drop out because of that. They can't sort their way through.

As I say, any other post-secondary student goes to an application site, punches in what they want to do, and if they're qualified they get three offers from a college or a

university, and off they go. For parents of young people and for guidance counsellors looking at apprenticeship, it looks nothing like that. So I think it's really hard for parents to understand that this is post-secondary education, to value the trades as much as they value other programs, because it just doesn't look like them.

I think if we can sort this out—and we would offer our application service. We'll do it at no cost to the government. We can amend it so that apprentices can apply, even if they don't have an employer. If they don't have an employer, they can come in as a pre-apprentice. We will help them find a match in the community in the first year and then move them into an apprenticeship, counting all their credits that they've done in the last year. And we'll give them and their employers three years of certainty about when they'll have to step in and out of the workplace, so that employers can plan for that and so that students know what's coming. We'll also keep eyes on them. If a student goes to Mohawk College, Mohawk College will take responsibility for reminding them when to come in and out. I think this kind of change would improve our completion rate dramatically.

Ms. Donna Skelly: And we have to look at all of these proposals.

Before I pass it over to MPP Bailey, I wanted to just share for the record—and I'm sure you're aware of this—that our government is also looking at tying funding to outcomes, because we have far too many people graduating with debt and not an opportunity in their field of choice. Now we're suggesting that they look at valid options where there is a need in the marketplace. I echo your sentiment: The trades are a phenomenal opportunity that parents need to get their heads wrapped around.

So I shall pass it back to the Chair, and I know MPP Bailey—

The Acting Chair (Mr. Lorne Coe): Thank you. Anyone else from the government side? Yes, MPP Bailey.

Mr. Robert Bailey: Thank you, Ms. Franklin, for coming in today and going through the machinations of education in college.

I met with our president recently: Judith Morris, from Lambton College. She's doing a great job down there in Sarnia. We're unique in that we have a lot of work right now for apprentices. We have a tripartite agreement there with the Ministry of Labour and the academia community, but it could always be better. We just talked about this back in my constituency office about two weeks ago now. She also raised the issue of nursing. Their nurses get so far and they have to go to Windsor. We want to change that. We want to keep them in Sarnia. We can do that at the college. They just spent millions of dollars with the new nursing centre there.

Could you speak a little bit more to that and the apprenticeship issue?

Ms. Linda Franklin: Sure, absolutely. In the nursing issue, partnerships where the college and the university are co-located generally work pretty well, and the students stay in their local community. But as you pointed out, we have several—Georgian students have to go to York University to finish. Many of our of northern institutions have to get to Laurentian, or if not, Laurentian gets paid a fee for the colleges to deliver the program. In Belleville, students are going to Brock. These students end up on the highway in terrible weather, and some of them are single parents or mid-career folks who just simply can't afford it. They certainly can't afford to rent apartments in new cities, which many of them have to do.

The single biggest challenge, of course, is that, when you're a community that desperately needs nurses and your nurses transfer to another community to finish their education and then they get clinical placements and job offers there, they're never coming back. Many of them would rather be in their home community and would choose it if they could.

The other thing: We have enough practical nurses right now—the colleges prepare practical nurses entirely—but we're short of RNs, and we're short of RNs from many perspectives. There is not enough diversity in the RN community, and frankly it's just a challenge because we also don't have good pathways from practical nursing to registered nursing, or from personal support workers to practical nurses to RNs. The colleges would do all of that, but in many occasions, they need their university partners to say yes, and on many occasions they won't. They don't want those pathways in place. So it's a huge challenge that we could fix with stand-alone nursing.

You couldn't be more right about apprenticeships. We really, really need to fix that system, because if we don't, we will never be able to supply the workforce.

Mr. Robert Bailey: Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you. Further questions? Yes, MPP Pettapiece.

Mr. Randy Pettapiece: MPP Bob Bailey is unique, but his situation isn't because—

Laughter.

Ms. Linda Franklin: Which situation?

Mr. Randy Pettapiece: We need apprentices all over this province, and nurses—

Ms. Linda Franklin: Absolutely.

Mr. Randy Pettapiece: This is quite a situation we're facing right now. I want to thank you for your presentation.

If your nephew has a problem, I live just north of Stratford, so send him up. We'll look after him there.

Ms. Linda Franklin: He works in Stratford, so he's already in your constituency.

Mr. Randy Pettapiece: Does he? I have two sons that are apprentices. One son is an electrician and one's a welder—just got his welder papers here a while ago. There were some challenges with the first guy, not so much with the second one, but I think we—

The Acting Chair (Mr. Lorne Coe): Excuse me, MPP Pettapiece; your time has expired.

Thank you very much, Ms. Franklin, for your presentation.

MR. JONATHAN WRIGHT

The Acting Chair (Mr. Lorne Coe): I'd like to call forward, please, Jonathan Wright. Welcome, Mr. Wright.

You've been in the audience for quite a while, I've noted, so you know what I'm going to be asking you. If you could please, for Hansard, identify yourself, and any affiliation that you might have. Following that, you will have 10 minutes to make a presentation, followed by questions from the committee members. When you're ready, sir, please.

Mr. Jonathan Wright: Thank you, Mr. Chair. My name is Jonathan Wright. I'm an employer in Hamilton, Ontario. I have a small photography business. This is regarding municipal bylaws. I will begin.

Dear committee: My name is Jonathan Wright. I'm 23 years old and I'm from Hamilton, Ontario. I have a small photography business. First of all, I would like to thank the committee and Queen's Park for inviting me here today. It is an honour and a privilege.

1540

Let's begin: In Ontario, it is almost impossible to run a business. Between the red tape and the high cost of licensing, who would open a business in Ontario?

Let me give you a scenario: You are a small business in Ontario. You sell handmade pottery, so you decide to go to the municipality to get licensed because that is the law. You buy your licence, which is usually $600 or more, and then the municipality says to you that you can't just sell anywhere. The municipality then says that if you would like to sell in a park, for example, you would have to go through zoning and other processes to get approved. So you put that idea to the side and inquire at a local festival.

The local festival tells you that it's a minimum of $500 plus the licence to sell. There are three festivals this summer. You would like to sell at all three, but unfortunately, that is out of the budget and is too expensive.

Considering the fact that you have to pay for your product cost and you may need to hire employees to help out with the business—with all the cost between the municipality and the festival organizer, it is almost impossible to sell or to hire employees. If you have employees already, it may be harder to give more hours to them.

The employees' hours during the summer months can be tough because, during the summer months, students are often hired for a short time. If students don't get their first job, they don't gain valuable work experience and may not have a good reference from their former employer.

As an employer in Ontario, I would like to hire more people for my business; however, with the current system, I cannot do this. I feel frustrated. I cannot grow and expand my business in Ontario.

What I am proposing is not to get rid of licensing, municipal laws or vendor fees. What I would like to see is that municipalities set different guidelines for small businesses until they become mid-size companies, so that way it gives new entrepreneurs a chance to shine and to help our economy. The different guidelines would be lower licensing fees, less restrictive rules, and more help for small businesses through economic development centres in local municipalities.

Festivals are a lot of work, and it's great that festival organizers like to put on festivals for the local community. However, I would like to see some co-operation from local government to work with festival organizers to come up with reasonable rates so everybody can participate in the festivals.

Here is another idea: Municipalities should have festivals that are solely dedicated to small businesses. Ultimately, if a small business cannot be prosperous in a local community, then that business closes or never starts. This hurts everyone. It hurts people looking for work and it also hurts the municipality, as they lose out on tax dollars.

Most recently, some municipalities have said that they have a budget shortage. It's not much wonder, when they make it so hard for people who want to contribute to the local economy.

This concludes my testimony. I would be happy to take any questions.

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Wright, for your presentation. We're going to move questions now to MPP Schreiner.

Mr. Mike Schreiner: Thank you, Jonathan, for coming in. I started my first business 24 years ago, so I can relate to some of the things you talked about in your presentation.

I've always thought we could have smarter regulations, where the regulatory burden was higher on large companies and less restrictive on smaller companies. That seemed to make sense. Thank you for bringing that forward to the committee.

One of the things I wanted to ask you about is, have you found small business support centres, innovation hubs and things like that helpful to your business?

Mr. Jonathan Wright: I have. A few years ago, I went through the city of Hamilton; it was the Summer Company program. I received a grant. It was back in 2016. It was for $3,000. I completed the process and I decided that I wanted to sell at festivals. The problem I've been noticing and running into is that it's not so much the licensing; it's that these festivals are very expensive to sell at, because up in Woolwich county, up near—I don't know if you've heard of the St. Jacobs market. It's only $50 a day to sell, and these festivals in Dundas are charging $500. My thing, my beef on this is this is a problem—I'm from Hamilton, but in Ontario, and probably other municipalities, if the cost—and of course, with some municipalities, like Hamilton, they say, "Just because you've got a licence it doesn't mean you can go set up at Gage Park and you can sell stuff."

My beef, or my concern, I should say, is if—

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Wright, for your response. We're now going to move to the government members. MPP Skelly.

Ms. Donna Skelly: Thank you, Mr. Wright. I represent part of Hamilton. Where are you located, which part of Hamilton?

Mr. Jonathan Wright: On the Hamilton Mountain—I live in ward 6.

Ms. Donna Skelly: In ward 6? Okay, so in Councillor Jackson's ward. I would strongly recommend that you speak with Councillor Tom Jackson.

Mr. Jonathan Wright: I have already tried to contact his office several times and I haven't gotten a response.

Ms. Donna Skelly: Okey-doke. Well, I share your frustration. Hamilton has one of the highest tax rates, both residential and business tax rates, in all of Ontario. It's very difficult, as we see more and more young families moving to Hamilton, taking on this tax burden.

But your issue is specifically with being able to—I'm sure you are interested in the Concession Street festival, as well as some of the others; you mentioned Gage Park and Dundas. You probably want to work in all of those different festivals and show your photography.

This really is more of a municipal issue, and I would recommend that you try and get a presentation however you can. It should be through Councillor Jackson's office, but you should be speaking to the city of Hamilton, because your proposal for a tiered structure in terms of fees for access to these festivals is a wise and a very interesting suggestion, an interesting proposal. I think that's something they might possibly be able to consider.

I know that my colleague, MPP Harris, is interested in asking you a few questions as well. I wish you luck, and I would encourage you to follow up. If Councillor Jackson doesn't, I would go right through to the city clerk and see if you could get onto one of their council agendas to make your presentation.

Mr. Jonathan Wright: All right. Thank you very much.

Ms. Donna Skelly: You're quite welcome.

The Acting Chair (Mr. Lorne Coe): MPP Harris, please.

Mr. Mike Harris: Thank you, Jonathan. I know you've been patiently waiting for a good chunk of the day over here, listening to all the goings-on. I'm glad you brought up the St. Jacobs market, because that's actually in my riding. It's a beautiful spot to go on a Tuesday during the summer or, of course, Thursdays and Saturdays throughout the rest of the year. They do a really great job of promoting local businesses and allowing people to come from near and far to be able to enjoy the wares they're selling.

The one thing I want to just bring to your attention—I think this is where some of that discrepancy lies with what you're facing—is that St. Jacobs market is actually a privately owned business, whereas a lot of the festivals and different things that you're talking about are going to be administered by the municipality. Is that a fair assumption?

Mr. Jonathan Wright: I thought festivals were privately organized and then municipalities—

Mr. Mike Harris: Some can be or some are organized by the municipalities. I'm not specifically in tune with what you've got going on down in the Hamilton area, but what I can tell you, as a former small business owner myself—I had about 10 employees—it can be very difficult sometimes to deal with municipalities. Oftentimes, when you're dealing with the BIA or some of the resources that the municipalities bring to bear for you, it can be a little difficult to navigate.

1550

So I just want to echo the sentiment of MPP Skelly and say that you really should get in touch with your local representatives. If you are having a hard time getting through to your specific ward councillor, you can go directly to the mayor's office or the clerk's office and you should be able to get some answers.

Mr. Jonathan Wright: Thank you very much.

The Acting Chair (Mr. Lorne Coe): MPP Smith.

Mr. Dave Smith: Thank you very much for coming in, Jonathan. I really appreciate your comments today. You're 23?

Mr. Jonathan Wright: Yes.

Mr. Dave Smith: I opened my first business when I was 24. I have a little piece of advice, something that was given to me when I first opened: You only have to work half days when you own your business; you're just going to have to decide which 12 hours it is of each day that you're going to be working.

The Acting Chair (Mr. Lorne Coe): Any questions? No?

Now we'll turn to questions from the official opposition. MPP Stevens.

Mrs. Jennifer (Jennie) Stevens: Jonathan, thank you for coming today and for the way you spoke so fluently about small businesses and the hardships that some of these businesses are going through. You expressed it, we listened, and I just want to thank you for coming and enlightening us on how hard it really is to get a small business up and running within one municipality, throughout the large province of Ontario.

The other side of the room has directed you towards the municipal government. That's a stepping stone. I would hope that your municipal government, who you contact—your councillor, or if you end up at the mayor's office—would talk to this government and see what they can do to help small businesses get up on their own. Sometimes we have to figure out how you can bring your taxes down. That would be something I would like to have a further conversation with you about, if you would like to contact us.

I will let you know that it has not fallen upon deaf ears here. We have listened. Thank you for coming. I don't know if you want to express to me any—

Mr. Jonathan Wright: Basically, I'm just looking for advice, help, guidance, something, because businesses have to go through hoops. I've tried to contact Mr. Jackson's office a bunch of times and I—

Mrs. Jennifer (Jennie) Stevens: I would suggest that you get hold of the economic development department in the city of Hamilton. They usually have a director there who will help you with your entrepreneurship and help you with small businesses.

Mr. Jonathan Wright: Thank you very much.

CHIEFS OF ONTARIO

The Acting Chair (Mr. Lorne Coe): I'd like to call forward, please, the Chiefs of Ontario.

Good afternoon. Thank you for being here. Please identify yourself for Hansard, and then you'll have 10 minutes for your presentation, followed by questions. Your presentation will be interrupted. We have a vote scheduled for 4 o'clock today, so we will start your presentation, recess and then come back to recommence your presentation. Please start.

Ms. Kathleen Padulo: My name is Kathleen Padulo. I want to thank the standing committee this afternoon.

I first would like to acknowledge the land that we're on here today. We're on the shared lands of the Haudenosaunee, the Huron-Wendat, the Anishnawbe, and I'd like to give special tribute to the Mississaugas of the Credit. I also want to acknowledge and let everyone know that we are meeting here today on Treaty 13 lands.

Thank you again for allowing me to speak. My name is Kathleen Padulo. I'm the environment director at the Chiefs of Ontario. The Chiefs of Ontario—

Mr. Ian Arthur: Excuse me, Chair: point of order.

The Acting Chair (Mr. Lorne Coe): Go ahead.

Mr. Ian Arthur: I very much apologize for the interruption, but, with the consent of the committee, we could request a five-minute recess, which would bring us to 4 o'clock and would allow you to do the entirety of your presentation at one time. Would that be something you would like?

Ms. Kathleen Padulo: Thank you, yes.

Mr. Ian Arthur: Okay. With the permission of the committee I would like to request a five-minute recess, which would bring us to 4 o'clock. We could go do our vote, come back and hear the entirety of the presentation at one time.

The Acting Chair (Mr. Lorne Coe): Is there agreement?

Mr. Mike Harris: Can we guarantee that the vote is going to start?

Ms. Catherine Fife: The thing is, the vote hasn't started yet. It could be a 10-minute bell. I think we can still get through the presentation; we just may have to come back.

The Acting Chair (Mr. Lorne Coe): We're 54 seconds into the presentation. Is there agreement to recess for five minutes, do the vote and then come back? That's the question.

Mr. Mike Harris: Can we guarantee the vote is at 4 p.m.?

The Acting Chair (Mr. Lorne Coe): Yes, it is. The vote is going to be called at 4.

Yes, MPP Smith?

Mr. Dave Smith: The Chiefs of Ontario aren't scheduled to do their presentation till 4:30. I don't see why there would be any issue with us then taking a recess until after the vote, as long as you're not in objection to doing your presentation at a quarter after, 20 after, whatever it may be.

Ms. Kathleen Padulo: Yes.

The Acting Chair (Mr. Lorne Coe): I think what we're going to do is recess until after the vote. All those in favour? Agreed. The committee is recessed.

The committee recessed from 1556 to 1608.

The Acting Chair (Mr. Lorne Coe): The committee is back in session.

If you could please start your presentation. Again, you have 10 minutes, followed by questions from the members of each of the parties, okay? So please start. Thank you.

Ms. Kathleen Padulo: Okay. My name is Kathleen Padulo. I'm the environment director at the Chiefs of Ontario. Thank you, Chair, and thank you, committee, for having me here today. I already provided our land acknowledgement, so I will move on from there. I am a member of the Oneida Nation of the Thames, one of the Haudenosaunee communities. The Oneida Nation of the Thames is located just outside of London, Ontario.

I'm here today to speak to you about Bill 132. There are a total of 36 acts affected by this bill, nine of which have significant implications for the rights of First Nations. I would like to focus on the issues that relate to First Nations and the environment. We understand the need to move quickly; however, we do think that there are parts of the act that should be set aside for further discussion so that we may work together to come to a solution that: harmonizes with First Nations' treaty and inherent rights; satisfies the government's duty to consult; and allows time for First Nations in Ontario to analyze and meaningfully contribute to this bill.

We do not wish to hinder any economic opportunities. Rather, we wish to be partners in creating prosperity within Ontario. We suggest that issues that pertain to First Nations be removed from the bill for more discussion and to ensure that Ontario is meeting its legal, moral and constitutional obligations for First Nations and our treaties.

We believe that the province of Ontario and First Nations can work together to find a mutually beneficial solution that recognizes First Nations' inherent and treaty rights and honours our Mother Earth. We can work together to improve on what was accomplished with previous governments, and secure a solid foundation for what we hope will be a prosperous relationship.

Treaty and inherent rights: This omnibus bill touches a wide variety of topics—36 acts. Many of these acts refer to protected treaty rights. For example, the proposed amendments to the Fish and Wildlife Conservation Act specifically mention prohibitions or restrictions against hunting, trapping or possession of wildlife. The amendments also grant powers to the minister where First Nations have jurisdiction. And we heard that earlier from Matawa's presentation.

1610

References to crown land also encompass areas covered by treaties and land claims. If the sections of Bill 132 that pertain to treaty and inherent rights are not given the appropriate time to be examined and analyzed, issues may escalate.

The legal duty to consult: We did hand out a package to everyone that has our formal submission, and within that package we did hand out this little booklet, Truth and Reconciliation. This booklet also has UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples.

UNDRIP is the comprehensive, international human rights instrument. Article 32.2 states: "States shall consult and co-operate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."

Language used, particularly in the proposed amendments to the Mining Act, may be interpreted as undermining the duty to consult. The power to determine what constitutes adequate First Nations consultation appears to be transferred in this statement: "The director is satisfied that appropriate consultation with Aboriginal communities has been carried out in accordance with the regulations...." This language must be re-examined, as it downloads the power from First Nations to the minister. This is not in accordance with treaty and inherent rights, and does not fulfill the province's duty to consult.

Time frames: We are requesting that we remove the proposed amendments in Bill 132 that directly impact First Nations. We must ensure that First Nations have adequate time to analyze and respond to all of these proposed amendments. Allowing more time to process the suggested amendments to the nine acts that have implications for First Nations will ensure that the political landscape is undisturbed and will create greater certainty for business and the people of Ontario. I assure you that we have a common vision of a prosperous future.

In closing, I would like to thank everyone. We are looking to seek and find approaches that will enhance and expand economic development. Economic development requires the government and First Nations to work together to balance a number of issues so that we may walk that path of prosperity together. So in the spirit of cooperation, thank you.

The Acting Chair (Mr. Lorne Coe): Thank you very much. Our first round of questions will be from the government. MPP Harris.

Mr. Mike Harris: Thank you for being here today. It's great to have representations, obviously, from two factions of the First Nations here in our province.

There's one thing that you brought up that we actually haven't had a chance to talk about yet, and I'm kind of excited about it. You were talking about the Fish and Wildlife Conservation Act and what we're looking to achieve with the legislation that we put forward here—I'm not sure how well versed you are with chronic wasting disease, but it's something that is quite prevalent in basically every jurisdiction around our province. About 10 years ago, in Quebec, is where the last outbreak has been, very close to the Ottawa area, on the north side of the river. We're really lucky; we haven't had any confirmed cases of CWD here in the province, and we really want to keep it that way.

I made reference to visiting Tennessee earlier this year. It was great because we were able to organize some meetings with some state representatives. One of the folks I went to visit was the Tennessee Wildlife Resources Agency, which is basically our Ministry of Natural Resources and Forestry. We talked at length about invasive species and also CWD and the things that they did wrong and ways that we could do things right to make sure that we are able to keep it out of this province. When you look at Manitoba—confirmed cases of CWD; Quebec—confirmed cases; Michigan and New York—confirmed cases. So we need to have the tools at hand to be able to partner, obviously, with First Nations and other hunters and stakeholders in the area to try to mitigate that as much as possible.

I want to get your input as to whether you think that's something that's important and how we can better partner with you to be able to make sure that we're mitigating that from essentially coming in and taking over the cervid populations in our province.

Ms. Kathleen Padulo: I guess I'd like to step back a bit. I know about CWD. We work with the federal government, and have been for a while, on CWD. I know that the province is just now becoming involved. I think there's a great opportunity here. The opportunity is to begin with conversations now, not after there are policies put in place.

It creates an opportunity for First Nations to come to the table, because the Chiefs of Ontario are an advocacy organization. We represent 133 First Nations, so I can't sit here and dictate to everyone, "We have to do A, B, C and D." We look at it from a rights framework, we look at it from treaties, but it's an opportunity to be able to work together with all levels of government and work on a nation-to-nation basis going forward.

I think it's an opportunity to work with Environment Canada, to work with First Nations and to work with the province, and before policies are put in place.

Mr. Mike Harris: Thank you.

The Acting Chair (Mr. Lorne Coe): Are there other questions? Yes, MPP Smith.

Mr. Dave Smith: When we are talking about the Mining Act, the changes that we're predominantly making in there are from after the consultation has already occurred. It's once the application has been put forward. But all of the consultation happens prior to that, and it's with respect to the response back to it. We're basically saying that we'll give the response back within 45 days. It's not necessarily that we're giving you, or giving someone, a yes or no on it. It's highly possible that the response back is, "There hasn't been enough consultation. Please go back and do more consultation."

We think that that's a much better process than having it as open-ended as it is now. It's possible right now for an application to be sitting on a bureaucrat's desk for a number of months with no feedback coming to anyone involved with it. That essentially is the change that we're trying to make in the Mining Act. Do you not think that that's a better process, where we're guaranteeing that there will be a response of some kind back within 45 days?

Ms. Kathleen Padulo: I think that we're not speaking to just one act here; we're speaking to 36, and nine in particular, that impact the environment. So my suggestion

would be—for this omnibus legislation, I was provided a letter with 30 days to respond. So if we look at those timelines just to respond to the plethora of information here, it warrants further time to have that full understanding of First Nations.

With respect, I do understand what you're saying, but I think we need to look at all of these pieces of legislation so that First Nations have that opportunity to feed into this process.

Mr. Dave Smith: No further questions.

The Acting Chair (Mr. Lorne Coe): Any further questions? I'll turn now to the official opposition. MPP Arthur, please.

Mr. Ian Arthur: Thank you so much for coming in and giving your presentation and pointing out the number of acts that would have an effect on Indigenous peoples and First Nations in Ontario.

I want to talk a little bit about that duty to consult and how comprehensive it has to be. MPP Smith just said, moments ago, "We think that that's a much better process than what we have now." I can only assume "we" means the government or the Conservative MPPs. The duty to consult pre-empts that. It doesn't necessarily matter what the "we" of the government is, even if you were to agree with it; the duty to consult obligates the government to consult you first before they decide the "we." Is that not accurate?

1620

Ms. Kathleen Padulo: Yes, you're correct. First Nations have Aboriginal treaty rights. Those Aboriginal treaty rights are protected within section 35 of the Constitution. We don't have special rights, and we're not stakeholders; we're rights holders.

Mr. Ian Arthur: Yes. So the flaw was in the prescriptive nature of the statement, not necessarily the outcome of the legislation.

Ms. Kathleen Padulo: Yes.

Mr. Ian Arthur: Okay. Thank you.

The Acting Chair (Mr. Lorne Coe): Yes, MPP Fife.

Ms. Catherine Fife: Thank you for coming in and, really, for closing the entire consultation process, because your presentation is fairly indicative of how when you have a flawed process, then you have a flawed piece of legislation, which we believe Bill 132 is.

I wanted to speak about the importance of language in legislation, because this has come up when the Matawa Chiefs were here. I'm not sure if you were here when the—

Ms. Kathleen Padulo: No.

Ms. Catherine Fife: So that whole conversation around the Far North Act and how this has nothing to do with the Far North Act, when it actually does, because all of these pieces of legislation and all of these acts intersect. The Mattawa Chiefs go on in their presentation, and they say, "The use of a proposed 'red tape reduction' bill to address Aboriginal consultation. Specifically, wording changes to sections 140, 141, and 143 of the Ontario Mining Act under the newly revised section proposed as Advanced Exploration and Mine Production...." This language change is consultation where "appropriate." Have you had a chance to review those changes around language?

Ms. Kathleen Padulo: No, I have not had the opportunity.

Ms. Catherine Fife: Their presentation goes on to say, "decision-making power under the discretion of the MENDM director" of "Ontario's 'red tape reduction' approach impedes on First Nations' rights to provide free, prior and informed consent ... on legislation affecting a people group as stated in article 19 of the United Nations Declaration on the Rights of Indigenous Peoples...." So I think that's our perspective, that this process has—you're being told that this is an improved process because we're consulting. But it's the nature of your status as a true partner, as a treaty holder, that's the main sticking point. Is that correct?

Ms. Kathleen Padulo: Correct.

Ms. Catherine Fife: Thank you.

Because there was confusion on the Far North Act, I want to just lend some more consideration to "the lack of consideration for implications on the proposed repeal of the Far North Act. Nowhere in Bill 132 is this process mentioned."

Really, we have a pretty serious trust issue, I think, when you're the last delegate on a public consultation process on a bill that has been travelled, that already sort of puts you over off to the other room and not really at the table. Do you have some opinions on that, that nature of the relationship?

Ms. Kathleen Padulo: I do, actually. I was interested to know: Has this committee travelled or does this committee travel?

Ms. Catherine Fife: This is it.

Ms. Kathleen Padulo: This is it. So my suggestion and the Chiefs of Ontario's suggestion would be that it would be a great opportunity if this committee could travel, looking forward.

Interjection: We did.

Ms. Kathleen Padulo: Yes? So when you travelled, did you have First Nations attending the other committee sessions?

Ms. Catherine Fife: Just so you know, there have been three days of travel for this particular bill. The first day, we were in London, the second day was in Peterborough, and this is the third full day of delegations. There was a fairly short window to apply to come to the committee. We were supposed to go to Kenora and to Sault Ste. Marie, but we didn't have enough people sign up to come and speak to us. In order to have done that, I think the charter plane would have cost $57,000. This will conclude the consultation on Bill 132. You literally are the last delegate to come before us.

Ms. Kathleen Padulo: Okay. Again, I would make the suggestion for future bills and committees to travel, to go to the north. We have the highest number of remote First Nation communities in all of Canada, and many of those are on long-term boil-water advisories, many of those are evacuated right now because of climate change and flooding. I know the chiefs who came down here today—it cost a lot of money for those chiefs to come down, and they

didn't come down in a private plane; they came down travelling on regular flights. It's a lot of money and a lot of time. For them to make that time to come down says more than words can say.

Ms. Catherine Fife: Sure, absolutely. And I think your point also about how if we don't want to continue this pattern of ending up where First Nations communities, Indigenous communities, have to go to the court system to fight the government, just so that the government will uphold their legal responsibility—I would classify that as bad for business. It holds up development around mines. It slows down job creation. This morning—or maybe it was this afternoon—the comment was made that if Indigenous communities are truly considered partners, then litigation is off the table, and that will incentivize investment. So really, if the government is serious about fixing the way that Indigenous communities have been dealt with—there's a reason why the Ring of Fire is not a Ring of Fire. It's called the ring of smoke because seven court cases had to be launched by Indigenous communities to slow down that entire process, and that is not good for business, that is not good for the economy and it certainly isn't good for Indigenous communities. That is my takeaway from today.

I do want to thank you also for the reconciliation book. It will stay with me. Thank you.

Ms. Kathleen Padulo: Thank you.

The Acting Chair (Mr. Lorne Coe): Further questions? Seeing none, MPP Schreiner, please.

Mr. Mike Schreiner: Thank you, Kathleen, for coming in today. I deeply appreciate it.

You made a number of excellent points, but one in particular is that First Nations are rights-holders and not stakeholders, and all too often, I find in legislation it's referred to as stakeholders, that relationship.

You also made the point—and I think it's really important—that Ontario must understand that the duty to consult cannot be downloaded to business. Are you concerned that Bill 132 downloads the duty to consult to business?

Ms. Kathleen Padulo: Well, I think what we're really concerned with here is that it's really important for government to come to the table and say, "Yes, we want a prosperous Ontario in partnership with everyone, including First Nations, and we want to start that off in a good way through consultation"—and the crown has that duty. So I would like to think that there's a great opportunity, because the government has come back. We have a new federal government. So I would like to think that now is a good opportunity for us to slow down and do this the right way.

Mr. Mike Schreiner: Was there any other consultation beyond the letter giving you a 30-day notice that you can comment on the bill?

Ms. Kathleen Padulo: Because we are an organization and we're an advocacy organization, government cannot consult with an organization. They have to consult with the rights-holders. So we have had no other communication from government—just through an email.

Mr. Mike Schreiner: Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you, MPP Schreiner.

Thank you very much for your presentation. That concludes your presentation.

That concludes our business for today. A reminder to committee members that pursuant to the order of the House dated November 7, 2019, the deadline for written submissions is 5 p.m. on Friday, November 29, 2019; and the deadline for filing amendments to the bill with the Clerk of the Committee is 9 a.m. on Monday, December 2, 2019.

Interjection.

The Acting Chair (Mr. Lorne Coe): Yes, MPP Fife?

Ms. Catherine Fife: When will clause-by-clause be? Do we have a tentative timeline for that?

The Acting Chair (Mr. Lorne Coe): Madam Clerk?

The Clerk of the Committee (Ms. Jocelyn McCauley): It was set out in the time allocation motion. It's December 3. We'll be putting out the agenda for that this Thursday.

Ms. Catherine Fife: Okay. Thank you.

The Acting Chair (Mr. Lorne Coe): This committee is adjourned.

The committee adjourned at 1631.

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