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Environmental Law  
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Clinique de droit environnemental  
Environmental Law Clinic

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October 12, 2012

**BY EMAIL & REGULAR MAIL**

The Hon. James Bradley  
Minister of the Environment  
Ferguson Block, 11<sup>th</sup> Floor  
77 Wellesley Street West  
Toronto, ON M7A 2T5

Dear Minister:

**RE: REVIEW OF ONTARIO'S ENVIRONMENTAL BILL OF RIGHTS**

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We are writing to request that your Ministry take all necessary steps to provide meaningful public participation opportunities in the Ministry's ongoing review of the *Environmental Bill of Rights* (EBR). These steps must be taken before the Ministry makes any final decisions on the outcome of the review.

This request is being made by the following organizations: Canadian Environmental Law Association (CELA); Ecojustice Canada; and Ecojustice Clinic at the University of Ottawa. This request is supported by: Citizens Environmental Alliance of southwestern Ontario; Concerned Citizens Committee of Tyendinaga and Environs; CPAWS Wildlands League; David Suzuki Foundation; Earthroots; Friends of Second Marsh; Great Lakes United; Lake Ontario Waterkeeper; LEAF (Local Appreciation and Enhancements of Forests); Northwatch; Ontario Nature; Sierra Club Ontario; Toronto Environmental Alliance; Wildlife Conservation Society Canada; and ZeroWaste4ZeroBurning.

**BACKGROUND**

The EBR has remained virtually unchanged since it was enacted almost two decades ago, and it has not been publicly reviewed by the Ontario government to date. More importantly, there is good reason to believe that amendments to the EBR are now required in order to better achieve the stated purposes of the legislation: environmental protection, public participation and governmental accountability.

**Canadian Environmental Law  
Association**  
T 416 960-2284  
F 416 960-9392  
130 Spadina Avenue, Suite 301  
Toronto, ON M5V 2L4  
cela.ca

**Ecojustice Clinic at the  
University of Ottawa**  
T 613 562-5800 x3382  
F 613 562-5319  
35 Copernicus Street, Office 107  
Ottawa, ON K1N 6N5

**Ecojustice Canada - Toronto  
Office**  
T 416 368-7533  
F 416 363-2746  
Suite 401, Centre for Green Cities  
550 Bayview Avenue  
Toronto, ON M4W 3X8  
ecojustice.ca

On the 10<sup>th</sup> anniversary of the EBR in 2004, the Environmental Commissioner of Ontario (ECO) conducted research, convened workshops, and released a report recommending various changes to the EBR. To date, the Ontario government has not acted upon, or even formally responded, to these ECO suggestions.

In January 2010, two Applicants, assisted by the Ecojustice Clinic at the University of Ottawa, filed an Application for Review of the need for a Regulation providing for stays pending leave to appeal decisions under the EBR. In August 2010, your Ministry agreed to the requested review, indicating that it would be limited only to situations that involved EBR instruments (Permit to Take Water) under the *Ontario Water Resources Act*.

In December 2010, two CELA lawyers filed a comprehensive Application for Review of the EBR, and identified a number of overdue amendments to the EBR. In March 2011, your Ministry agreed that the requested review would be undertaken. Further, in August 2011, your Ministry indicated that the review of the need for a Regulation providing for stays pending leave to appeal would be folded into this broader review of the need for amendments to the EBR.

As noted by the ECO in his 2010-11 Annual Report (pages 116-19), the Ministry's review offers an important opportunity to engage Ontarians in updating and renewing the EBR.

## **CURRENT SITUATION**

Having agreed to conduct the requested EBR review, it now appears that the Ministry's review of the EBR is occurring at a glacial pace behind closed doors, and no provision has been made to solicit the views or perspectives of interested stakeholders.

In response to this non-public review process, CELA wrote to you in December 2011 to request an opportunity to meet with you and/or Ministry staff members to discuss the issues of law and policy arising from the EBR review. Unfortunately, no such opportunities have been provided to date.

In our view, the continuing refusal of the Ministry to engage stakeholders within the EBR review is objectionable, unjustified and highly ironic in light of the EBR's overarching goal of ensuring public participation in environmental decision-making.

**REQUEST**

For the foregoing reasons, the undersigned organizations hereby request that your Ministry immediately engage stakeholders and members of the public in the EBR review before any final determinations are made by the Ministry on whether – or to what extent – the EBR should be amended.

We look forward to your timely response to this urgent request.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**



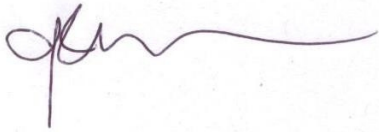
Theresa A. McClenaghan  
Executive Director



Richard D. Lindgren  
Counsel

**ECOJUSTICE CANADA**

**ECOJUSTICE CLINIC AT THE  
UNIVERSITY OF OTTAWA**



Justin Duncan  
Eastern Program Director



William Amos  
Clinic Director

cc. Gord Miller, ECO

**LIST OF GROUPS SUPPORTING THIS REQUEST**

Citizens Environmental Alliance of southwestern Ontario  
Concerned Citizens Committee of Tyendinaga and Environs  
CPAWS Wildlands League  
David Suzuki Foundation  
Earthroots  
Friends of Second Marsh  
Great Lakes United  
Lake Ontario Waterkeeper  
LEAF (Local Enhancement and Appreciation of Forests)  
Northwatch  
Ontario Nature  
Sierra Club Ontario  
Toronto Environmental Alliance  
Wildlife Conservation Society Canada  
ZeroWaste4ZeroBurning