

December 20, 2013

BY EMAIL

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

Dear Minister:

RE: REVIEW OF ONTARIO'S ENVIRONMENTAL BILL OF RIGHTS, 1993 ("EBR")

As you may know, CELA filed an Application for Review of the EBR exactly three years ago today.

In March 2011, your Ministry agreed that the requested review of the EBR would be undertaken in conjunction with a similar review previously requested by Ecojustice.

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

Having agreed to conduct the requested EBR review, it now unfortunately appears that the Ministry's review of the EBR is occurring at a glacial pace behind closed doors, and no meaningful steps have been made to engage the public on this important public interest matter.

Accordingly, 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.

In October 2012, CELA and a large number of other environmental organizations wrote to you to again object to the inordinate delay in the EBR review, and to request meaningful opportunities for the public to participate in the EBR review.

Shortly thereafter, MOE staff made arrangements to meet with CELA and Ecojustice to discuss potential approaches for conducting the much-anticipated EBR Review. However, despite some productive discussion at this meeting about how to move forward, it appears that no tangible progress has been made to date in the EBR review.

Canadian Environmental Law Association

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In our view, the continuing refusal of the Ministry to engage stakeholders in 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.

We would also point out that the three year timeframe taken so far by the MOE just to get the focused EBR review underway greatly exceeds the amount of time (ten months) taken by the EBR Task Force to originally draft the EBR in its entirety (September 1991 to July 1992).

As the 20th anniversary of the EBR approaches in 2014, we are therefore writing to again request that your Ministry take all necessary steps to expedite the EBR review and to provide meaningful public participation opportunities in this process. This collaborative approach must be taken before the Ministry makes any final decisions on the outcome of the EBR review.

We are aware that the current legislative agenda is crowded and may militate against the speedy tabling of a bill that proposes to amend the EBR. However, this does not prevent your Ministry from at least commencing a public review process to identify and evaluate potential EBR amendments, which can be incorporated in amending legislation in due course.

We look forward to your timely response to this urgent request, and please feel free to contact the undersigned if you have any questions about this matter.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



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Executive Director



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cc. Gord Miller, ECO
Justin Duncan, Ecojustice