

September 5, 2014

BY EMAIL

The Hon. Glen Murray
Minister of the Environment & Climate Change
Ferguson Block, 11th Floor
77 Wellesley Street West
Toronto, ON M7A 2T5

Dear Minister:

RE: REVIEW OF ONTARIO'S ENVIRONMENTAL BILL OF RIGHTS, 1993

We are writing to bring your attention to an urgent matter, namely the lack of any appreciable progress on your Ministry's long-promised review of Ontario's *Environmental Bill of Rights, 1993* ("EBR").

As you may know, CELA filed an Application for Review of the EBR in December 2010.

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 of Ontario in his 2010-11 Annual Report (pages 116-19), this review process offered an important opportunity to engage Ontarians in updating and renewing the EBR.

Unfortunately, the Ministry's review of the EBR quickly and inexplicably stalled, and no meaningful steps were made to engage the public on this important public interest matter.

CELA therefore wrote to your predecessor, the Hon. James Bradley, in December 2011 to express serious concerns about the Ministry's dilatory approach to the EBR review.

In October 2012, CELA and a large number of other environmental organizations again wrote to Minister Bradley to 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, Ministry staff met 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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The continuing inaction by the Ministry on this important matter prompted CELA to again write to Minister Bradley in December 2013, but the EBR review has unfortunately remained stalled.

In February 2014, the Environmental Commissioner of Ontario hosted a well-attended conference to celebrate the 20th anniversary of the EBR. Virtually all speakers and attendees at this event agreed upon the need to strengthen and improve the EBR, but it appears that your Ministry has declined to act on such recommendations to date.

In our view, the refusal of the Ministry to commence – let alone complete – the EBR review is unacceptable and inexcusable. We further find that the Ministry's failure to meaningfully engage stakeholders in the EBR review is objectionable and highly ironic in light of the EBR's overarching goal of ensuring public participation, governmental accountability and transparency in environmental decision-making.

We would also point out that the approximate four year timeframe taken so far by the Ministry 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).

Accordingly, we are writing at this time to request that you immediately direct Ministry staff to take all necessary steps to expedite the EBR review. In light of the delay that has occurred to date, we also request that you give Ministry staff firm deadlines for completing this review.

In addition, CELA requests that you direct Ministry staff to ensure that the review process includes meaningful public participation opportunities before the Ministry develops and web-posts any proposed changes to the EBR. Options for early public engagement include establishing a small working group consisting of interested stakeholders, or convening a series of focused public workshops on various aspects of EBR reform. We have been involved in other provincial consultation exercises that occurred (and worked well) long before statutory or regulatory proposals were posted on the Environmental Registry for wider public comment, and we would highly recommend a similar approach in this matter.

In closing, please be advised that CELA views the EBR review as a high priority matter, and we look forward to your timely response to this urgent request. We would be pleased to meet with you or your staff to further discuss how – not whether – the EBR review should proceed.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Theresa A. McClenaghan
Executive Director



Richard D. Lindgren
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cc. Premier Kathleen Wynne
Gord Miller, ECO
John Swaigen/Kaitlyn Mitchell, Ecojustice